United City of Yorkville
800 Game Farm Road
Yorkville, Illinois 60560
Telephone: 630-553-4350
www.yorkville.il.us

AGENDA
CITY COUNCIL MEETING
Tuesday, September 27, 2022
7:00 p.m.
City Hall Council Chambers
800 Game Farm Road, Yorkville, IL

Call to Order:

Pledge of Allegiance:

Roll Call by Clerk:

WARD I	WARD II	WARD III	WARD IV
Ken Koch	Arden Joe Plocher	Chris Funkhouser	Seaver Tarulis
Dan Transier	Craig Soling	Matt Marek	Jason Peterson

Establishment of Quorum:

Amendments to Agenda:

Presentations:

Public Hearings:

Citizen Comments on Agenda Items:

Consent Agenda:

1. Minutes of the Regular City Council – September 13, 2022
2. Bill Payments for Approval
   - $ 2,173,183.74 (vendors)
   - $ 375,724.56 (payroll period ending 09/16/2022)
   - $ 2,548,908.30 (total)

Mayor's Report:

1. CC 2022-39 Single Axle Dump Truck Purchase
2. CC 2022-40 Blackberry Woods – Performance Guarantee Call
3. CC 2022-41 Proposed 2023 Road to Better Roads Program
4. CC 2022-42 Resolution Authorizing Support and Permission for Inclusion of the Marge Cline Whitewater Course Access Site in the Fabulous Fox! Water Trail
5. CC 2022-43 Treasurer's Report for August 2022
6. CC 2022-44 2022 Tax Levy Estimate
7. CC 2022-45 Resolution Approving an Amendment to the United City of Yorkville Employee Manual (Drug Free Workplace)

Mayor's Report (cont'd):

8. CC 2022-46 KEH Development Inducement Resolutions
    a. Resolution to Induce the Redevelopment of Certain Properties within the Yorkville Downtown Redevelopment Project Area (KEH Development, LLC & KEH Development Three, LLC)
    b. Resolution to Induce the Redevelopment of a Certain Property within the Yorkville Downtown Project Area #2 (KEH Development Two, LLC)
9. CC 2022-47 Park Board Appointment – Jorge Ayala

Public Works Committee Report:

Economic Development Committee Report:

1. EDC 2022-32 Ordinance Allowing Backyard Coops/Enclosures for Domesticated Hens in Certain Residential Districts as a Permitted Accessory Structure and Subject to Certain Regulations

Public Safety Committee Report:

Administration Committee Report:

Park Board:

Planning and Zoning Commission:

City Council Report:

City Clerk's Report:

Community and Liaison Report:

Staff Report:

Mayor's Report (cont'd):

10. CC 2021-04 City Buildings Updates
    a. Resolution Approving Change Orders Relating to 651 Prairie Pointe Drive, Yorkville, Illinois (Fifth Set of Change Orders)
11. CC 2021-38 Water Study Update

Additional Business:

Citizen Comments:

Executive Session:

Adjournment:

COMMITTEES, MEMBERS AND RESPONSIBILITIES

ADMINISTRATION: October 19, 2022 – 6:00 p.m. – City Hall Conference Room

Committee		Departments	Liaisons
Chairman:	Alderman Soling	Finance	Library
Vice-Chairman:	Alderman Funkhouser	Administration	
Committee:	Alderman Transier		
Committee:	Alderman Tarulis		

ECONOMIC DEVELOPMENT: October 4, 2022 – 6:00 p.m. – City Hall Conference Room

Committee		Departments	Liaisons
Chairman:	Alderman Peterson	Community Development	Planning & Zoning Commission
Vice-Chairman:	Alderman Koch	Building Safety & Zoning	Kendall Co. Plan Commission
Committee:	Alderman Plocher		
Committee:	Alderman Funkhouser		

PUBLIC SAFETY: November 3, 2022 – 6:00 p.m. – City Hall Conference Room

Committee		Departments	Liaisons
Chairman:	Alderman Transier	Police	School District
Vice-Chairman:	Alderman Tarulis		
Committee:	Alderman Soling		
Committee:	Alderman Marek		

PUBLIC WORKS: October 18, 2022 – 6:00 p.m. – City Hall Conference Room

Committee		Departments	Liaisons
Chairman:	Alderman Marek	Public Works	Park Board
Vice-Chairman:	Alderman Plocher	Engineering	YBSD
Committee:	Alderman Koch	Parks and Recreation	
Committee:	Alderman Peterson		

UNITED CITY OF YORKVILLE
WORKSHEET
CITY COUNCIL
Tuesday, September 27, 2022
7:00 PM
CITY COUNCIL CHAMBERS

AMENDMENTS TO AGENDA:

CITIZEN COMMENTS ON AGENDA ITEMS:

CONSENT AGENDA:

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1. Minutes of the Regular City Council – September 13, 2022
   - ☐ Approved: **Y** _____ **N** _____ □ Subject to _____
   - ☐ Removed _____
   - ☐ Notes _____

   _____

   _____

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2. Bill Payments for Approval
   - ☐ Approved _____
     - ☐ As presented
     - ☐ As amended
   - ☐ Notes _____

MAYOR'S REPORT:

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1. CC 2022-39 Single Axle Dump Truck Purchase
   - ☐ Approved: **Y** _____ **N** _____ □ Subject to _____
   - ☐ Removed _____
   - ☐ Notes _____

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2. CC 2022-40 Blackberry Woods – Performance Guarantee Call
   - ☐ Approved: **Y** _____ **N** _____ □ Subject to _____
   - ☐ Removed _____
   - ☐ Notes _____

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3. CC 2022-41 Proposed 2023 Road to Better Roads Program

☐ Approved: **Y** _____ **N** _____ □ Subject to _____

☐ Removed _____

☐ Notes _____

_____

_____

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4. CC 2022-42 Resolution Authorizing Support and Permission for Inclusion of the Marge Cline Whitewater Course Access Site in the Fabulous Fox! Water Trail

☐ Approved: **Y** _____ **N** _____ □ Subject to _____

☐ Removed _____

☐ Notes _____

_____

_____

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5. CC 2022-43 Treasurer's Report for August 2022

☐ Approved: **Y** _____ **N** _____ □ Subject to _____

☐ Removed _____

☐ Notes _____

_____

_____

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6. CC 2022-44 2022 Tax Levy Estimate
   - ☐ Approved: **Y** _____ **N** _____ □ Subject to _____
   - ☐ Removed _____
   - ☐ Notes _____

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7. CC 2022-45 Resolution Approving an Amendment to the United City of Yorkville Employee Manual (Drug Free Workplace)
   - ☐ Approved: **Y** _____ **N** _____ □ Subject to _____
   - ☐ Removed _____
   - ☐ Notes _____

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8. CC 2022-46 KEH Development Inducement Resolutions
   a. Resolution to Induce the Redevelopment of Certain Properties within the Yorkville Downtown Redevelopment Project Area (KEH Development, LLC & KEH Development Three, LLC)

   ☐ Approved: **Y** _____ **N** _____ □ Subject to _____

   ☐ Removed _____

   b. Resolution to Induce the Redevelopment of a Certain Property within the Yorkville Downtown Redevelopment Project Area #2 (KEH Development Two, LLC)

   ☐ Approved: **Y** _____ **N** _____ □ Subject to _____

   ☐ Removed _____

   ☐ Notes _____

   _____

   _____

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9. CC 2022-47 Park Board Appointment – Jorge Ayala

   ☐ Approved: **Y** _____ **N** _____ □ Subject to _____

   ☐ Removed _____

   ☐ Notes _____

   _____

   _____

ECONOMIC DEVELOPMENT COMMITTEE REPORT:

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1. EDC 2022-32 Ordinance Allowing Backyard Coops/Enclosures for Domesticated Hens in Certain Residential Districts as a Permitted Accessory Structure and Subject to Certain Regulations

☐ Approved: **Y** _____ **N** _____ □ Subject to _____

☐ Removed _____

☐ Notes _____

_____

_____

MAYOR'S REPORT (CONT'D):

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10. CC 2021-04 City Buildings Updates
    a. Resolution Approving Change Orders Relating to 651 Prairie Pointe Drive, Yorkville, Illinois (Fifth Set of Change Orders)

☐ Approved: **Y** _____ **N** _____ □ Subject to _____

☐ Removed _____

☐ Notes _____

_____

_____

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11. CC 2021-38 Water Study Update

☐ Approved: **Y** _____ **N** _____ □ Subject to _____

☐ Removed _____

☐ Notes _____

_____

_____

ADDITIONAL BUSINESS:

CITIZEN COMMENTS:

Reviewed By:	
Legal	☐
Finance	☐
Engineer	☐
City Administrator	☐
Community Development	☐
Purchasing	☐
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

Consent Agenda #1

Tracking Number

Agenda Item Summary Memo

Title: Minutes of the Regular City Council – September 13, 2022

Meeting and Date: City Council – September 27, 2022

Synopsis: Approval of Minutes

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Majority

Council Action Requested: Approval

Submitted by: Jori Behland (Name) Administration (Department)

Agenda Item Notes:

Have a question or comment about this agenda item?
Call us Monday-Friday, 8:00am to 4:30pm at 630-553-4350, email us at agendas@yorkville.il.us, post at www.facebook.com/CityofYorkville, tweet us at @CityofYorkville, and/or contact any of your elected officials at http://www.yorkville.il.us/320/City-Council

DRAFT

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, HELD IN THE CITY COUNCIL CHAMBERS, 800 GAME FARM ROAD ON TUESDAY, SEPTEMBER 13, 2022

Mayor Purcell called the meeting to order at 7:04 p.m. and led the Council in the Pledge of Allegiance.

Mayor Purcell stated that he has determined that under the Governor's orders the meeting can be held with electronic attendance for the safety of the council members and the public and to help prevent the spread of the coronavirus.

ROLL CALL

City Clerk Behland called the roll.

Ward I	Koch	Present	(electronic attendance)
	Transier	Present	
Ward II	Plocher	Present	
	Soling	Present	
Ward III	Funkhouser	Present	
	Marek	Present	
Ward IV	Tarulis	Present	
	Peterson	Present	

Staff in attendance at City Hall: City Clerk Behland, City Administrator Olson, Chief of Police Jensen, Attorney Orr, Public Works Director Dhuse, Community Development Director Barksdale-Noble, Finance Director Fredrickson, Parks and Recreation Director Evans, Assistant City Administrator Willrett, Facilities Manager Raasch, and EEI Engineer Sanderson.

Clerk's Note: Due to COVID-19, 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 Act, the United City of Yorkville encouraged social distancing by allowing remote attendance to the City Council meeting.

Members of the public were able to attend this meeting in person while practicing social distancing as well as being able to access the meeting remotely via Zoom which allowed for video, audio, and telephonic participation.

A meeting notice was posted on the City's website on the agenda, minutes, and packets webpage with instructions regarding remote meeting access and a link was included for the public to participate in the meeting remotely: https://us02web.zoom.us/j/86493344140?pwd=YXk0WVl1S0MvVmJjcUZLbkFicnpJUT09. The Zoom meeting ID was 864 9334 4140.

QUORUM

A quorum was established**.**

AMENDMENTS TO THE AGENDA

None.

PRESENTATIONS

Sale of Old Post Office –
201 W. Hydraulic Street RFP Opening

Mayor Purcell reported that the City did not receive any requests for proposals for the sale of the old post office. Mayor Purcell shared the City will continue to use the building as is.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS ON AGENDA ITEMS

None.

CONSENT AGENDA

1. Minutes of the Regular City Council – August 9, 2022
2. Minutes of the Regular City Council – August 23, 2022
3. Bill Payments for Approval

$	1,225,748.45	(vendors)
$	151,981.12	(wire payments)
$	420,994.25	(payroll period ending 08/19/2022)
$	351,061.95	(payroll period ending 09/02/2022)
$	2,149,785.77	(total)

4. **Ordinance 2022-36** Approving a Redevelopment Agreement by and between the United City of Yorkville and the Williams Group, LLC (Fox Republic Brewing) – *authorize the Mayor and City Clerk to execute* (EDC 2022-58)

Mayor Purcell entertained a motion to approve the consent agenda. So moved by Alderman Funkhouser; seconded by Alderman Plocher.

Motion approved by a roll call vote. Ayes-8 Nays-0
Koch-aye, Plocher-aye, Funkhouser-aye, Tarulis-aye,
Transier-aye, Soling-aye, Marek-aye, Peterson-aye

REPORTS

MAYOR'S REPORT

Sale of Old Post Office – 201 W. Hydraulic Street
(ARC Building) Request for Proposals
(CC 2022-22)

Mayor Purcell stated again that there were no proposals to open. Alderman Funkhouser asked if there was anyone interested. Mayor Purcell shared that Lynn Dubjaic had reached out to many people who had an interest in the building in the past, but no one had submitted a proposal.

National Suicide Prevention + Action Month Proclamation
(CC 2022-36)

Mayor Purcell proclaimed the month of September as National Suicide Prevention Awareness Month in the United City of Yorkville (*see attached*).

Constitution Week Proclamation
(CC 2022-37)

Mayor Purcell proclaimed September 17 - 23, 2022, as Constitution Week in the United City of Yorkville (*see attached).*

IL Rt 47 and Van Emmon Intersection
Traffic Signal Repair
(CC 2022-38)

Mayor Purcell entertained a motion to approve the quote from Meade Electric in the amount not to exceed $42,646 for the repair of damage done to the conduit under Rt. 47 at Van Emmon Street traffic signal. So moved by Alderman Marek; seconded by Alderman Tarulis.

Motion approved by a roll call vote. Ayes-8 Nays-0
Plocher-aye, Funkhouser-aye, Tarulis-aye, Transier-aye,
Soling-aye, Marek-aye, Peterson-aye, Koch-aye

PUBLIC WORKS COMMITTEE REPORT

No report.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

No report.

PUBLIC SAFETY COMMITTEE REPORT

No report.

ADMINISTRATION COMMITTEE REPORT

No report.

PARK BOARD

Preschool Partnership

Parks and Recreation Director Evans reported the preschool partnership started this week.

Yorkville StoryWalk

The StoryWalk unveiling is scheduled for September 27th from 5:00 p.m. to 7:00 p.m. at the Heartland Park.

Pickleball Court

The pickleball court may be open later this week.

Yorktoberfest

Yorktoberfest will be on Friday, September 30th and Saturday, October 1st at the east side of Riverfront Park. This event will have multiple bands and food. The Parks and Recreation Department will be hosting family activities.

PLANNING AND ZONING COMMISSION

No report.

CITY COUNCIL REPORT

No report.

CITY CLERK'S REPORT

No report.

COMMUNITY & LIAISON REPORT

Yorkville Bristol Sanitary District

Alderman Soling reported there had been no monkeypox detected during their testing. He also shared the smoke testing should start in the next few weeks.

Aurora Area Convention and Visitors Bureau

Alderman Funkhouser reported that the AACVB wrapped up their annual budget and is ahead of what they anticipated. They have also noticed tourism numbers are going back up.

KenCom

Alderman Funkhouser reported the KenCom cameras are scheduled to start going live, and locations have been determined. There are ten cameras, but not all are active at this time.

Kiwanis Club of Yorkville

Alderman Funkhouser shared Kiwanis Club of Yorkville awarded $10,000 scholarships to six students from Yorkville. As a reminder, Yorktoberfest proceeds will go to the Kiwanis Club of Yorkville Illinois Foundation.

STAFF REPORT

No report.

MAYOR'S REPORT (cont'd)

City Building Updates

Resolution 2022-35 **Approving Change Orders Relating to 651 Prairie Pointe Drive, Yorkville, Illinois (Fourth Set of Change Orders)**

(CC 2021-04)

Mayor Purcell entertained a motion to approve a Resolution Approving Change Orders Relating to 651 Prairie Pointe Drive, Yorkville, Illinois (Fourth Set of Change Orders) and authorize the Mayor and City Clerk to execute. So moved by Alderman Peterson; seconded by Alderman Plocher.

> Motion approved by a roll call vote. Ayes-8 Nays-0
> Funkhouser-aye, Tarulis-aye, Transier-aye, Soling-aye,
> Marek-aye, Peterson-aye, Koch-aye, Plocher-aye

Water Study Update

(CC 2021-38)

City Administrator Olson reported the preliminary engineering items and location discussions have been taking place. The formal hearing is scheduled via zoom for October 10th. The property for the public works facility is set to close sometime in October.

ADDITIONAL BUSINESS

None.

CITIZEN COMMENTS

Darrin Peterson, Molly Krempski, Mike Krempski, Fred Dusell, and David Nigel addressed the Council separately to share their concerns about restaurants within the City holding drag shows. They believe these performances should be considered adult entertainment businesses and should be held to those regulations.

EXECUTIVE SESSION

None.

ADJOURNMENT

Mayor Purcell entertained a motion to adjourn the City Council meeting. So moved by Alderman Peterson; seconded by Alderman Transier.

Motion unanimously approved by a viva voce vote.

Meeting adjourned at 7:53 p.m.

Minutes submitted by:

Jori Behland,
City Clerk, City of Yorkville, Illinois

Reviewed By:	
Legal	☐
Finance	■
Engineer	☐
City Administrator	☐
Community Development	☐
Purchasing	☐
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

Consent Agenda #2

Tracking Number

Agenda Item Summary Memo

Title: Bills for Payment

Meeting and Date: City Council – September 27, 2022

Synopsis:

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Majority

Council Action Requested: Approval

Submitted by: Amy Simmons (Name) Finance (Department)

Agenda Item Notes:

Have a question or comment about this agenda item?
Call us Monday-Friday, 8:00am to 4:30pm at 630-553-4350, email us at agendas@yorkville.il.us, post at www.facebook.com/CityofYorkville, tweet us at @CityofYorkville, and/or contact any of your elected officials at http://www.yorkville.il.us/320/City-Council

UNITED CITY OF YORKVILLE
MANUAL CHECK REGISTER

CHECK #	VENDOR # / INVOICE #	INVOICE DATE	ITEM #	DESCRIPTION	CHECK DATE	ACCOUNT #	ITEM AMT	
131204	KCR	KENDALL COUNTY RECORDER'S			09/02/22			
	134975	09/02/22	01	ORDINANCE APPROVING AN		01-220-54-00-5462	67.00	
			02	AMENDMENT TO THE YORKVILLE		** COMMENT **		
			03	COMPREHENSIVE PLAN		** COMMENT **		
						INVOICE TOTAL:	67.00 *	
						CHECK TOTAL:		67.00
						TOTAL AMOUNT PAID:		67.00

01-110	ADMINISTRATION	01-112	SUNFLOWER ESTATES	25-225	PARK & REC CAPITAL	82-820	LIBRARY OPERATIONS
01-120	FINANCE	15-155	MOTOR FUEL TAX	42-420	DEBT SERVICE	84-840	LIBRARAY CAPITAL
01-210	POLICE	23-216	MUNICIPAL BUILDING	51-510	WATER OPERATIONS	87-870	COUNTRYSIDE TIF
01-220	COMMUNITY DEVELOPMENT	23-230	CITY-WIDE CAPITAL	52-520	SEWER OPERATIONS	88-880	DOWNTOWN TIF
01-410	STREETS OPERATION	24-216	BUILDING & GROUNDS	72-720	LAND CASH	89-890	DOWNTOWN TIF II
01-640	ADMINISTRATIVE SERVICES	25-205	POLICE CAPITAL	79-790	PARKS DEPARTMENT	90-XXX	DEVELOPER ESCROW
01-111	FOX HILL SSA	25-215	PUBLIC WORKS CAPITAL	79-795	RECREATION DEPARTMENT	950-XXX	ESCROW DEPOSIT

UNITED CITY OF YORKVILLE
CHECK REGISTER

INVOICES DUE ON/BEFORE 09/27/2022

CHECK #	VENDOR # / INVOICE #		INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	PROJECT CODE	ITEM AMT	
537297	AACVB	AURORA AREA CONVENTION							
	05/22-HOLIDAY		08/31/22	01	HOLIDAY INN HOTEL TAX-MAY 2022	01-640-54-00-5481		5,402.48	
						INVOICE TOTAL:		5,402.48	*
	06/22-HOLIDAY		08/31/22	01	HOLIDAY INN HOTEL TAX-JUN 2022	01-640-54-00-5481		6,045.68	
						INVOICE TOTAL:		6,045.68	*
	07/22-HOLIDAY		08/31/22	01	HOLIDAY INN HOTEL TAX-JUL 2022	01-640-54-00-5481		7,709.61	
						INVOICE TOTAL:		7,709.61	*
	08/22-ALL		09/07/22	01	ALL SEASON HOTEL TAX-AUG 2022	01-640-54-00-5481		85.23	
						INVOICE TOTAL:		85.23	*
						CHECK TOTAL:		19,243.00	
537298	ALLNUISA	ALL NUISANCE TRAPPING CO.							
	2792		08/31/22	01	REC OFFICE BAT REMOVAL	79-795-54-00-5495		450.00	
						INVOICE TOTAL:		450.00	*
						CHECK TOTAL:		450.00	
537299	ALLREDP	PARKER ALLRED							
	AUG 27-SEPT 10		09/14/22	01	UMPIRE	79-795-54-00-5462		50.00	
						INVOICE TOTAL:		50.00	*
						CHECK TOTAL:		50.00	
D002661	ANTPLACE	ANTHONY PLACE YORKVILLE LP							
	OCT 2022		09/10/22	01	CITY OF YORKVILLE HOUSING	01-640-54-00-5427		835.00	
				02	ASSISTANCE PROGRAM RENT	** COMMENT **			
				03	REIMBURSEMENT FOR THE MONTH OF	** COMMENT **			
				04	OCT 2022	** COMMENT **			
						INVOICE TOTAL:		835.00	*
						DIRECT DEPOSIT TOTAL:		835.00	

01-110	ADMINISTRATION	01-112	SUNFLOWER ESTATES	25-225	PARK & REC CAPITAL	82-820	LIBRARY OPERATIONS
01-120	FINANCE	15-155	MOTOR FUEL TAX	42-420	DEBT SERVICE	84-840	LIBRARAY CAPITAL
01-210	POLICE	23-216	MUNICIPAL BUILDING	51-510	WATER OPERATIONS	87-870	COUNTRYSIDE TIF
01-220	COMMUNITY DEVELOPMENT	23-230	CITY-WIDE CAPITAL	52-520	SEWER OPERATIONS	88-880	DOWNTOWN TIF
01-410	STREETS OPERATION	24-216	BUILDING & GROUNDS	72-720	LAND CASH	89-890	DOWNTOWN TIF II
01-640	ADMINISTRATIVE SERVICES	25-205	POLICE CAPITAL	79-790	PARKS DEPARTMENT	90-XXX	DEVELOPER ESCROW
01-111	FOX HILL SSA	25-215	PUBLIC WORKS CAPITAL	79-795	RECREATION DEPARTMENT	950-XXX	ESCROW DEPOSIT

UNITED CITY OF YORKVILLE
CHECK REGISTER

INVOICES DUE ON/BEFORE 09/27/2022

CHECK #	VENDOR # / INVOICE #		INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	PROJECT CODE	ITEM AMT	
537300	ASHMOREE	EARL ASHMORE							
	091022		09/10/22	01	REFEREE	79-795-54-00-5462		70.00	
						INVOICE TOTAL:		70.00	*
						CHECK TOTAL:		70.00	
537301	ATLAS	ATLAS BOBCAT							
	BW4922		08/20/22	01	CHAIN TRANSPORTS	01-410-56-00-5628		169.98	
						INVOICE TOTAL:		169.98	*
						CHECK TOTAL:		169.98	
537302	ATT	AT&T							
	6305536805-0822		08/25/22	01	08/25-09/24 RIVERFRONT PARK	79-795-54-00-5440		245.58	
						INVOICE TOTAL:		245.58	*
						CHECK TOTAL:		245.58	
537303	BARONA	ALEXANDER JAMES BARON							
	AUG 27-SEPT 10		09/14/22	01	UMPIRE	79-795-54-00-5462		100.00	
						INVOICE TOTAL:		100.00	*
						CHECK TOTAL:		100.00	
537304	BEEBED	DAVID BEEBE							
	AUG 27-SEPT 10		09/14/22	01	UMPIRE	79-795-54-00-5462		130.00	
						INVOICE TOTAL:		130.00	*
						CHECK TOTAL:		130.00	
537305	BEYERD	DWAYNE F BEYER							

01-110	ADMINISTRATION	01-112	SUNFLOWER ESTATES	25-225	PARK & REC CAPITAL	82-820	LIBRARY OPERATIONS
01-120	FINANCE	15-155	MOTOR FUEL TAX	42-420	DEBT SERVICE	84-840	LIBRARAY CAPITAL
01-210	POLICE	23-216	MUNICIPAL BUILDING	51-510	WATER OPERATIONS	87-870	COUNTRYSIDE TIF
01-220	COMMUNITY DEVELOPMENT	23-230	CITY-WIDE CAPITAL	52-520	SEWER OPERATIONS	88-880	DOWNTOWN TIF
01-410	STREETS OPERATION	24-216	BUILDING & GROUNDS	72-720	LAND CASH	89-890	DOWNTOWN TIF II
01-640	ADMINISTRATIVE SERVICES	25-205	POLICE CAPITAL	79-790	PARKS DEPARTMENT	90-XXX	DEVELOPER ESCROW
01-111	FOX HILL SSA	25-215	PUBLIC WORKS CAPITAL	79-795	RECREATION DEPARTMENT	950-XXX	ESCROW DEPOSIT

UNITED CITY OF YORKVILLE
CHECK REGISTER

INVOICES DUE ON/BEFORE 09/27/2022

CHECK #	VENDOR # / INVOICE #		INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	PROJECT CODE	ITEM AMT	
537305	BEYERD	DWAYNE F BEYER							
	082522		08/25/22	01	REFEREE	79-795-54-00-5462		160.00	
						INVOICE TOTAL:		160.00	*
	090822		09/08/22	01	REFEREE	79-795-54-00-5462		160.00	
						INVOICE TOTAL:		160.00	*
						CHECK TOTAL:		320.00	
537306	BFCONSTR	B&F CONSTRUCTION CODE SERVICES							
	16408		09/08/22	01	JUNE 2022 INSPECTIONS	01-220-54-00-5459		9,800.00	
						INVOICE TOTAL:		9,800.00	*
						CHECK TOTAL:		9,800.00	
537307	BLAKEW	WILLIAM BLAKE							
	AUG 27-SEPT 10		09/14/22	01	UMPIRE	79-795-54-00-5462		260.00	
						INVOICE TOTAL:		260.00	*
						CHECK TOTAL:		260.00	
537308	BRENNANL	LEO BRENNAN							
	AUG 27-SEPT 10		09/14/22	01	UMPIRE	79-795-54-00-5462		195.00	
						INVOICE TOTAL:		195.00	*
						CHECK TOTAL:		195.00	
537309	CALLONE	PEERLESS NETWORK, iNC							
	556637		09/15/22	01	09/15-10/14 ADMIN LINES	01-110-54-00-5440		1,207.77	
				02	09/15-10/14 POLICE LINES	01-210-54-00-5440		451.86	
				03	09/15-10/14 CITY HALL FIRE	01-210-54-00-5440		1,465.66	

01-110	**ADMINISTRATION**	**01-112**	**SUNFLOWER ESTATES**	**25-225**	**PARK & REC CAPITAL**	**82-820**	**LIBRARY OPERATIONS**
01-120	**FINANCE**	**15-155**	**MOTOR FUEL TAX**	**42-420**	**DEBT SERVICE**	**84-840**	**LIBRARAY CAPITAL**
01-210	**POLICE**	**23-216**	**MUNICIPAL BUILDING**	**51-510**	**WATER OPERATIONS**	**87-870**	**COUNTRYSIDE TIF**
01-220	**COMMUNITY DEVELOPMENT**	**23-230**	**CITY-WIDE CAPITAL**	**52-520**	**SEWER OPERATIONS**	**88-880**	**DOWNTOWN TIF**
01-410	**STREETS OPERATION**	**24-216**	**BUILDING & GROUNDS**	**72-720**	**LAND CASH**	**89-890**	**DOWNTOWN TIF II**
01-640	**ADMINISTRATIVE SERVICES**	**25-205**	**POLICE CAPITAL**	**79-790**	**PARKS DEPARTMENT**	**90-XXX**	**DEVELOPER ESCROW**
01-111	**FOX HILL SSA**	**25-215**	**PUBLIC WORKS CAPITAL**	**79-795**	**RECREATION DEPARTMENT**	**950-XXX**	**ESCROW DEPOSIT**

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537309	CALLONE PEERLESS NETWORK, INC							
	556637	09/15/22	04	09/15-10/14 CITY HALL FIRE	01-110-54-00-5440		1,465.66	
			05	09/15-10/14 PW LINES	51-510-54-00-5440		4,220.26	
			06	09/15-10/14 SEWER DEPT. LINES	52-520-54-00-5440		431.60	
			07	09/15-10/14 RECREATION LINES	79-795-54-00-5440		395.89	
			08	09/15-10/14 TRAFFIC SIGNAL	01-410-54-00-5435		67.91	
			09	MAINTENANCE	** COMMENT **			
					INVOICE TOTAL:		9,706.61	*
					CHECK TOTAL:			9,706.61
537310	COMED COMMONWEALTH EDISON							
	0091033126-0822	08/29/22	01	07/29-08/29 RT34 & AUTUMN CRK	23-230-54-00-5482		124.97	
					INVOICE TOTAL:		124.97	*
	1647065335-0822	08/29/22	01	07/29-08/29 SARAVANOS PUMP	52-520-54-00-5480		51.06	
					INVOICE TOTAL:		51.06	*
	6819027011-0822	09/01/22	01	07/27-08/26 PR BUILDINGS	79-795-54-00-5480		659.54	
					INVOICE TOTAL:		659.54	*
					CHECK TOTAL:			835.57
537311	COREMAIN CORE & MAIN LP							
	R280408	08/11/22	01	LEATHER FACING, VALVE SCREWS,	51-510-56-00-5664		372.65	
			02	SHOE GASKETS, O RINGS, VALVES	** COMMENT **			
					INVOICE TOTAL:		372.65	*
					CHECK TOTAL:			372.65
537312	COXLAND COX LANDSCAPING LLC							
	191903	09/06/22	01	SUNFLOWER LANDSCAPING-AUG 2022	12-112-54-00-5495		500.00	
					INVOICE TOTAL:		500.00	*

01-110	**ADMINISTRATION**	**01-112**	**SUNFLOWER ESTATES**	**25-225**	**PARK & REC CAPITAL**	**82-820**	**LIBRARY OPERATIONS**
01-120	**FINANCE**	**15-155**	**MOTOR FUEL TAX**	**42-420**	**DEBT SERVICE**	**84-840**	**LIBRARAY CAPITAL**
01-210	**POLICE**	**23-216**	**MUNICIPAL BUILDING**	**51-510**	**WATER OPERATIONS**	**87-870**	**COUNTRYSIDE TIF**
01-220	**COMMUNITY DEVELOPMENT**	**23-230**	**CITY-WIDE CAPITAL**	**52-520**	**SEWER OPERATIONS**	**88-880**	**DOWNTOWN TIF**
01-410	**STREETS OPERATION**	**24-216**	**BUILDING & GROUNDS**	**72-720**	**LAND CASH**	**89-890**	**DOWNTOWN TIF II**
01-640	**ADMINISTRATIVE SERVICES**	**25-205**	**POLICE CAPITAL**	**79-790**	**PARKS DEPARTMENT**	**90-XXX**	**DEVELOPER ESCROW**
01-111	**FOX HILL SSA**	**25-215**	**PUBLIC WORKS CAPITAL**	**79-795**	**RECREATION DEPARTMENT**	**950-XXX**	**ESCROW DEPOSIT**

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537312	COXLAND COX LANDSCAPING LLC						
	191904	09/06/22	01	FOX HILL LANDSCAPING -AUG 2022	11-111-54-00-5495		661.25
					INVOICE TOTAL:		661.25 *
					CHECK TOTAL:		1,161.25
537313	DIRENRGY DIRECT ENERGY BUSINESS						
	1704705-222410049873	08/29/22	01	07/27-08/24 KENNEDY & MCHUGH	23-230-54-00-5482		12.26
					INVOICE TOTAL:		12.26 *
	1704706-222450049905	09/02/22	01	08/01-08/29 RT34 & BEECHER	23-230-54-00-5482		16.04
					INVOICE TOTAL:		16.04 *
	1704708-222420049877	08/30/22	01	07/28-08/25 1850 MARKETVIEW	23-230-54-00-5482		10.76
					INVOICE TOTAL:		10.76 *
	1704709-222420049877	08/30/22	01	07/28-08/25 7 COUNTRYSIDE PKWY	23-230-54-00-5482		18.51
					INVOICE TOTAL:		18.51 *
	1704710-222410049873	08/29/22	01	07/27-08/24 VAN EMMON LOT	01-110-54-00-5480		8.07
					INVOICE TOTAL:		8.07 *
	1704714-222420049877	08/30/22	01	07/28-08/25 MCHUGH RD	23-230-54-00-5482		12.55
					INVOICE TOTAL:		12.55 *
	1704716-222420049877	08/30/22	01	07/28-08/26 1 COUNTRYSIDE PKWY	23-230-54-00-5482		37.66
					INVOICE TOTAL:		37.66 *
	1704718-222500049925	09/07/22	01	08/04-09/02 RT34 & CANNONBALL	23-230-54-00-5482		10.23
					INVOICE TOTAL:		10.23 *
	1704719-222380049857	08/26/22	01	07/25-08/23 LEASURE & SUNSET	23-230-54-00-5482		112.84
					INVOICE TOTAL:		112.84 *
	1704721-222420049877	08/30/22	01	07/28-08/25 610 TOWER WELLS	51-510-54-00-5480		3,152.46
					INVOICE TOTAL:		3,152.46 *

01-110	**ADMINISTRATION**	**01-112**	**SUNFLOWER ESTATES**	**25-225**	**PARK & REC CAPITAL**	**82-820**	**LIBRARY OPERATIONS**
01-120	**FINANCE**	**15-155**	**MOTOR FUEL TAX**	**42-420**	**DEBT SERVICE**	**84-840**	**LIBRARAY CAPITAL**
01-210	**POLICE**	**23-216**	**MUNICIPAL BUILDING**	**51-510**	**WATER OPERATIONS**	**87-870**	**COUNTRYSIDE TIF**
01-220	**COMMUNITY DEVELOPMENT**	**23-230**	**CITY-WIDE CAPITAL**	**52-520**	**SEWER OPERATIONS**	**88-880**	**DOWNTOWN TIF**
01-410	**STREETS OPERATION**	**24-216**	**BUILDING & GROUNDS**	**72-720**	**LAND CASH**	**89-890**	**DOWNTOWN TIF II**
01-640	**ADMINISTRATIVE SERVICES**	**25-205**	**POLICE CAPITAL**	**79-790**	**PARKS DEPARTMENT**	**90-XXX**	**DEVELOPER ESCROW**
01-111	**FOX HILL SSA**	**25-215**	**PUBLIC WORKS CAPITAL**	**79-795**	**RECREATION DEPARTMENT**	**950-XXX**	**ESCROW DEPOSIT**

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CHECK #	VENDOR # / INVOICE #	INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	PROJECT CODE	ITEM AMT
537313	DIRENRGY DIRECT ENERGY BUSINESS						
	1704722-222420049877	08/30/22	01	08/01-08/24 2921 BRISTOL RDGE	51-510-54-00-5480		1,767.39
					INVOICE TOTAL:		1,767.39 *
	1704723-222420049877	08/30/22	01	07/27-08/24 2224 TREMONT	51-510-54-00-5480		3,676.29
					INVOICE TOTAL:		3,676.29 *
					CHECK TOTAL:		8,835.06
537314	DOORS DOORS BY RUSS, INC.						
	223190	08/23/22	01	REPLACED CABLES ON DOOR #8	24-216-54-00-5446		125.00
					INVOICE TOTAL:		125.00 *
					CHECK TOTAL:		125.00
537315	DYNEGY DYNEGY ENERGY SERVICES						
	386643522081	08/29/22	01	06/28-07/27 420 FAIRHAVEN	52-520-54-00-5480		55.86
			02	06/29-07/28 6780 RT47	51-510-54-00-5480		24.84
			03	07/27-08/24 456 KENNEDY	51-510-54-00-5480		32.52
			04	07/13-08/10 4600 BRIDGE	51-510-54-00-5480		25.39
			05	07/26-08/23 1106 PRAIRIE CR	52-520-54-00-5480		49.56
			06	07/27-08/24 301 E HYDRAULIC	79-795-54-00-5480		26.43
			07	06/30-07/31 FOXHILL 7 LIFT	52-520-54-00-5480		37.15
			08	07/26-08/23 872 PRAIRIE CR	79-795-54-00-5480		26.88
			09	07/13-08/10 GALENA PARK	79-795-54-00-5480		25.97
			10	06/28-07/27 101 BRUELL ST	52-520-54-00-5480		115.48
			11	07/26-08/23 1908 RAINTREE	51-510-54-00-5480		62.83
			12	07/27-08/24 PRERSTWICK LIFT	52-520-54-00-5480		78.18
			13	07/27-08/24 1991 CANNONBALL TR	51-510-54-00-5480		91.29
			14	06/28-07/27 610 TOWER	51-510-54-00-5480		104.85
			15	07/27-08/24 276 WINDHAM LIFT	52-520-54-00-5480		68.31
			16	07/27-08/24 133 E HYDRAULIC	79-795-54-00-5480		42.83
			17	06/28-07/27 1975 BRIDGE LIFT	52-520-54-00-5480		90.96
					INVOICE TOTAL:		959.33 *
					CHECK TOTAL:		959.33

01-110	**ADMINISTRATION**	**01-112**	**SUNFLOWER ESTATES**	**25-225**	**PARK & REC CAPITAL**	**82-820**	**LIBRARY OPERATIONS**
01-120	**FINANCE**	**15-155**	**MOTOR FUEL TAX**	**42-420**	**DEBT SERVICE**	**84-840**	**LIBRARAY CAPITAL**
01-210	**POLICE**	**23-216**	**MUNICIPAL BUILDING**	**51-510**	**WATER OPERATIONS**	**87-870**	**COUNTRYSIDE TIF**
01-220	**COMMUNITY DEVELOPMENT**	**23-230**	**CITY-WIDE CAPITAL**	**52-520**	**SEWER OPERATIONS**	**88-880**	**DOWNTOWN TIF**
01-410	**STREETS OPERATION**	**24-216**	**BUILDING & GROUNDS**	**72-720**	**LAND CASH**	**89-890**	**DOWNTOWN TIF II**
01-640	**ADMINISTRATIVE SERVICES**	**25-205**	**POLICE CAPITAL**	**79-790**	**PARKS DEPARTMENT**	**90-XXX**	**DEVELOPER ESCROW**
01-111	**FOX HILL SSA**	**25-215**	**PUBLIC WORKS CAPITAL**	**79-795**	**RECREATION DEPARTMENT**	**950-XXX**	**ESCROW DEPOSIT**

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537316	EEI	ENGINEERING ENTERPRISES, INC.						
	74946	08/26/22	01	UTILITY PERMIT REVIEWS	01-640-54-00-5465		1,800.00	
						INVOICE TOTAL:	1,800.00	*
	74947	08/26/22	01	GRANDE RESERVE - AVANTI	01-640-54-00-5465		727.00	
						INVOICE TOTAL:	727.00	*
	74948	08/26/22	01	PRESTWICK	01-640-54-00-5465		7,129.25	
						INVOICE TOTAL:	7,129.25	*
	74949	08/26/22	01	BLACKBERRY WOODS-PHASE B	01-640-54-00-5465		245.50	
						INVOICE TOTAL:	245.50	*
	74950	08/26/22	01	KENDALL MARKETPLACE	01-640-54-00-5465		909.75	
			02	RESIDENTIAL	** COMMENT **			
						INVOICE TOTAL:	909.75	*
	74951	08/26/22	01	GRANDE RESERVE-UNIT 23	01-640-54-00-5465		2,284.75	
						INVOICE TOTAL:	2,284.75	*
	74952	08/26/22	01	GRANDE RESERVE-UNIT 8	01-640-54-00-5465		2,919.50	
						INVOICE TOTAL:	2,919.50	*
	74953	08/26/22	01	WINDETT RIDGE-UNIT 2	90-048-48-00-0111		3,183.45	
						INVOICE TOTAL:	3,183.45	*
	74954	08/26/22	01	STORM WATER BASIN INSPECTIONS	01-640-54-00-5465		6,328.00	
						INVOICE TOTAL:	6,328.00	*
	74955	08/26/22	01	UNIFIED DEVELOPMENT ORDINANCE	01-640-54-00-5465		456.00	
						INVOICE TOTAL:	456.00	*
	74956	08/26/22	01	GAS-N-WASH	90-144-00-00-0111		451.00	
						INVOICE TOTAL:	451.00	*
	74957	08/26/22	01	GRANDE RESERVE-UNITS 26 & 27	90-147-00-00-0111		844.00	
						INVOICE TOTAL:	844.00	*

01-110	ADMINISTRATION	01-112	SUNFLOWER ESTATES	25-225	PARK & REC CAPITAL	82-820	LIBRARY OPERATIONS
01-120	FINANCE	15-155	MOTOR FUEL TAX	42-420	DEBT SERVICE	84-840	LIBRARAY CAPITAL
01-210	POLICE	23-216	MUNICIPAL BUILDING	51-510	WATER OPERATIONS	87-870	COUNTRYSIDE TIF
01-220	COMMUNITY DEVELOPMENT	23-230	CITY-WIDE CAPITAL	52-520	SEWER OPERATIONS	88-880	DOWNTOWN TIF
01-410	STREETS OPERATION	24-216	BUILDING & GROUNDS	72-720	LAND CASH	89-890	DOWNTOWN TIF II
01-640	ADMINISTRATIVE SERVICES	25-205	POLICE CAPITAL	79-790	PARKS DEPARTMENT	90-XXX	DEVELOPER ESCROW
01-111	FOX HILL SSA	25-215	PUBLIC WORKS CAPITAL	79-795	RECREATION DEPARTMENT	950-XXX	ESCROW DEPOSIT

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537316	EEI	ENGINEERING ENTERPRISES, INC.							
	74958		08/26/22	01	BEAVER ST PUMP STATION	51-510-60-00-6060		1,760.50	
				02	IMPROVEMENTS	** COMMENT **			
						INVOICE TOTAL:		1,760.50	*
	74959		08/26/22	01	2021 SIDEWALK REPLACEMENT	23-230-60-00-6041		434.25	
				02	PROGRAM	** COMMENT **			
						INVOICE TOTAL:		434.25	*
	74960		08/26/22	01	2021 ROAD PROGRAM	23-230-60-00-6025		1,168.25	
						INVOICE TOTAL:		1,168.25	*
	74961		08/26/22	01	GRANDE RESERVE-UNITS 15 & 22	01-640-54-00-5465		3,196.00	
						INVOICE TOTAL:		3,196.00	*
	74962		08/26/22	01	FOX HILL ROADWAY IMPROVEMENTS	23-230-54-00-5465		3,428.46	
						INVOICE TOTAL:		3,428.46	*
						CHECK TOTAL:			37,265.66
537317	EEI	ENGINEERING ENTERPRISES, INC.							
	74963		08/26/22	01	KENNEDY & MILL RD INTERSECTION	23-230-60-00-6088		13,154.25	
				02	IMPROVEMENTS	** COMMENT **			
						INVOICE TOTAL:		13,154.25	*
						CHECK TOTAL:			13,154.25
537318	EEI	ENGINEERING ENTERPRISES, INC.							
	74964		08/26/22	01	YBSD SOLIDS HANDLING	01-640-54-00-5465		205.00	
				02	IMPROVEMENTS	** COMMENT **			
						INVOICE TOTAL:		205.00	*
	74965		08/26/22	01	GRANDE RESERVE-UNIT 20	01-640-54-00-5465		5,044.75	
						INVOICE TOTAL:		5,044.75	*

01-110	ADMINISTRATION	01-112	SUNFLOWER ESTATES	25-225	PARK & REC CAPITAL	82-820	LIBRARY OPERATIONS
01-120	FINANCE	15-155	MOTOR FUEL TAX	42-420	DEBT SERVICE	84-840	LIBRARAY CAPITAL
01-210	POLICE	23-216	MUNICIPAL BUILDING	51-510	WATER OPERATIONS	87-870	COUNTRYSIDE TIF
01-220	COMMUNITY DEVELOPMENT	23-230	CITY-WIDE CAPITAL	52-520	SEWER OPERATIONS	88-880	DOWNTOWN TIF
01-410	STREETS OPERATION	24-216	BUILDING & GROUNDS	72-720	LAND CASH	89-890	DOWNTOWN TIF II
01-640	ADMINISTRATIVE SERVICES	25-205	POLICE CAPITAL	79-790	PARKS DEPARTMENT	90-XXX	DEVELOPER ESCROW
01-111	FOX HILL SSA	25-215	PUBLIC WORKS CAPITAL	79-795	RECREATION DEPARTMENT	950-XXX	ESCROW DEPOSIT

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537318	EEI	ENGINEERING ENTERPRISES, INC.						
	74966	08/26/22	01	GRANDE RESERVE-UNIT 13 & 14	01-640-54-00-5465		1,619.50	
					INVOICE TOTAL:		1,619.50	*
	74967	08/26/22	01	MILL RD RECONSTUCTION-PHS 111	23-230-60-00-6012		3,767.50	
					INVOICE TOTAL:		3,767.50	*
	74968	08/26/22	01	BRIGHT FARMS	90-173-00-00-0111		9,164.00	
					INVOICE TOTAL:		9,164.00	*
	74969	08/26/22	01	CANNONBALL TR IMPROVEMENTS	01-640-54-00-5465		114.00	
					INVOICE TOTAL:		114.00	*
	74970	08/26/22	01	WELL #4 REHAB	51-510-60-00-6060		2,927.50	
					INVOICE TOTAL:		2,927.50	*
	74971	08/26/22	01	E. MAIN ST IMPROVEMENTS	51-510-60-00-6025		11,570.25	
					INVOICE TOTAL:		11,570.25	*
	74972	08/26/22	01	GRANDE RESERVE-TUSCANY TRAIL	01-640-54-00-5465		611.75	
					INVOICE TOTAL:		611.75	*
	74973	08/26/22	01	KENDALLWOOD ESTATES-RALLY	90-174-00-00-0111		11,023.25	
					INVOICE TOTAL:		11,023.25	*
	74974	08/26/22	01	WELL MONITORING DASHBOARDS	01-640-54-00-5465		2,287.50	
					INVOICE TOTAL:		2,287.50	*
	74975	08/26/22	01	CHIPOTLE-444 E VETERANS PKWY	90-177-00-00-0111		734.75	
					INVOICE TOTAL:		734.75	*
	74976	08/26/22	01	NORTH CENTRAL EWST REHAB	01-640-54-00-5465		729.00	
					INVOICE TOTAL:		729.00	*
	74977	08/26/22	01	2022 ROAD PROGRAM	23-230-60-00-6025		2,790.75	
					INVOICE TOTAL:		2,790.75	*

01-110	ADMINISTRATION	01-112	SUNFLOWER ESTATES	25-225	PARK & REC CAPITAL	82-820	LIBRARY OPERATIONS
01-120	FINANCE	15-155	MOTOR FUEL TAX	42-420	DEBT SERVICE	84-840	LIBRARAY CAPITAL
01-210	POLICE	23-216	MUNICIPAL BUILDING	51-510	WATER OPERATIONS	87-870	COUNTRYSIDE TIF
01-220	COMMUNITY DEVELOPMENT	23-230	CITY-WIDE CAPITAL	52-520	SEWER OPERATIONS	88-880	DOWNTOWN TIF
01-410	STREETS OPERATION	24-216	BUILDING & GROUNDS	72-720	LAND CASH	89-890	DOWNTOWN TIF II
01-640	ADMINISTRATIVE SERVICES	25-205	POLICE CAPITAL	79-790	PARKS DEPARTMENT	90-XXX	DEVELOPER ESCROW
01-111	FOX HILL SSA	25-215	PUBLIC WORKS CAPITAL	79-795	RECREATION DEPARTMENT	950-XXX	ESCROW DEPOSIT

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537318	EEI	ENGINEERING ENTERPRISES, INC.							
	74978		08/26/22	01	LOT 8, YORKVILLE BUSINESS	90-176-00-00-0111		513.50	
				02	CENTER ** COMMENT **				
						INVOICE TOTAL:		513.50	*
	74979		08/26/22	01	1735 MARKETVIEW-BELLE TIRE	90-175-00-00-0111		2,558.50	
						INVOICE TOTAL:		2,558.50	*
						CHECK TOTAL:		55,661.50	
537319	EEI	ENGINEERING ENTERPRISES, INC.							
	74980		08/26/22	01	CORNEILS RD INTERCEPTOR SEWER	52-520-60-00-6092		20,068.99	
						INVOICE TOTAL:		20,068.99	*
						CHECK TOTAL:		20,068.99	
537320	EEI	ENGINEERING ENTERPRISES, INC.							
	74981		08/26/22	01	CITY OF YORKVILLE-GENERAL	01-640-54-00-5465		2,122.50	
						INVOICE TOTAL:		2,122.50	*
	74982		08/26/22	01	MUNICIPAL ENGINEERING SERVICES	01-640-54-00-5465		1,900.00	
						INVOICE TOTAL:		1,900.00	*
	74983		08/26/22	01	BRISTOL BAY UNIT 3 RESUB	90-179-00-00-0111		1,421.50	
						INVOICE TOTAL:		1,421.50	*
	74984		08/26/22	01	BRISTOL BAY UNIT 13	90-179-00-00-0111		27,156.50	
						INVOICE TOTAL:		27,156.50	*
	74985		08/26/22	01	1789 MARKETVIEW DR SITE	90-182-00-00-0111		772.00	
				02	IMPROVEMENTS ** COMMENT **				
						INVOICE TOTAL:		772.00	*
	74986		08/26/22	01	GRAHAM C STORES	90-183-00-00-0111		2,169.75	
						INVOICE TOTAL:		2,169.75	*

01-110	**ADMINISTRATION**	**01-112**	**SUNFLOWER ESTATES**	**25-225**	**PARK & REC CAPITAL**	**82-820**	**LIBRARY OPERATIONS**
01-120	**FINANCE**	**15-155**	**MOTOR FUEL TAX**	**42-420**	**DEBT SERVICE**	**84-840**	**LIBRARAY CAPITAL**
01-210	**POLICE**	**23-216**	**MUNICIPAL BUILDING**	**51-510**	**WATER OPERATIONS**	**87-870**	**COUNTRYSIDE TIF**
01-220	**COMMUNITY DEVELOPMENT**	**23-230**	**CITY-WIDE CAPITAL**	**52-520**	**SEWER OPERATIONS**	**88-880**	**DOWNTOWN TIF**
01-410	**STREETS OPERATION**	**24-216**	**BUILDING & GROUNDS**	**72-720**	**LAND CASH**	**89-890**	**DOWNTOWN TIF II**
01-640	**ADMINISTRATIVE SERVICES**	**25-205**	**POLICE CAPITAL**	**79-790**	**PARKS DEPARTMENT**	**90-XXX**	**DEVELOPER ESCROW**
01-111	**FOX HILL SSA**	**25-215**	**PUBLIC WORKS CAPITAL**	**79-795**	**RECREATION DEPARTMENT**	**950-XXX**	**ESCROW DEPOSIT**

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CHECK #	VENDOR # / INVOICE #	INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	PROJECT CODE	ITEM AMT	
537320	EEI	ENGINEERING ENTERPRISES, INC.						
	74987	08/26/22	01	LINCOLN PRAIRIE-JLL	90-191-00-00-0111		1,140.00	
					INVOICE TOTAL:		1,140.00	*
	74988	08/26/22	01	2023 WATER MAIN REPLACEMENT	51-510-60-00-6025		11,311.47	
					INVOICE TOTAL:		11,311.47	*
	74989	08/26/22	01	CALEDONIA UNIT 3	90-188-00-00-0111		1,399.00	
					INVOICE TOTAL:		1,399.00	*
	74990	08/26/22	01	GENERAL LAKE MICHIGAN/DWC	01-640-54-00-5465		285.00	
			02	COORDINATION	** COMMENT **			
					INVOICE TOTAL:		285.00	*
	74991	08/26/22	01	BRISTOL BAY UNIT 10	90-186-00-00-0111		1,732.00	
					INVOICE TOTAL:		1,732.00	*
	74992	08/26/22	01	GRANDE RESERVE UNIT 4	01-640-54-00-5465		6,781.50	
					INVOICE TOTAL:		6,781.50	*
	74993	08/26/22	01	LAKE MICHIGAN	51-510-60-00-6011		10,777.06	
			02	CONNECTION-PRELIMINARY	** COMMENT **			
			03	ENGINEERING	** COMMENT **			
					INVOICE TOTAL:		10,777.06	*
	74994	08/26/22	01	2022 NPDES MS4 ANNUAL REPORT	01-640-54-00-5465		199.50	
					INVOICE TOTAL:		199.50	*
	74995	08/26/22	01	RESTORE CHURCH-PARKING LOT	90-121-00-00-0111		1,788.00	
			02	EXPANSION	** COMMENT **			
					INVOICE TOTAL:		1,788.00	*
					CHECK TOTAL:		70,955.78	
537321	EVINST	W. THOMAS EVINS						

01-110	ADMINISTRATION	01-112	SUNFLOWER ESTATES	25-225	PARK & REC CAPITAL	82-820	LIBRARY OPERATIONS
01-120	FINANCE	15-155	MOTOR FUEL TAX	42-420	DEBT SERVICE	84-840	LIBRARAY CAPITAL
01-210	POLICE	23-216	MUNICIPAL BUILDING	51-510	WATER OPERATIONS	87-870	COUNTRYSIDE TIF
01-220	COMMUNITY DEVELOPMENT	23-230	CITY-WIDE CAPITAL	52-520	SEWER OPERATIONS	88-880	DOWNTOWN TIF
01-410	STREETS OPERATION	24-216	BUILDING & GROUNDS	72-720	LAND CASH	89-890	DOWNTOWN TIF II
01-640	ADMINISTRATIVE SERVICES	25-205	POLICE CAPITAL	79-790	PARKS DEPARTMENT	90-XXX	DEVELOPER ESCROW
01-111	FOX HILL SSA	25-215	PUBLIC WORKS CAPITAL	79-795	RECREATION DEPARTMENT	950-XXX	ESCROW DEPOSIT

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537321	EVINST	W. THOMAS EVINS							
	082722		08/27/22	01	REFEREE	79-795-54-00-5462		70.00	
						INVOICE TOTAL:		70.00	*
						CHECK TOTAL:			70.00
537322	FIRSTNON	FIRST NONPROFIT UNEMPLOYEMENT							
	122719N-070522		07/05/22	01	2022 3RD QTR UNEMPLOY INS	01-640-52-00-5230		3,598.76	
				02	2022 3RD QTR UNEMPLOY INS-P	01-640-52-00-5230		911.97	
				03	2022 3RD QTR UNEMPLOY INS	82-820-52-00-5230		280.61	
				04	2022 3RD QTR UNEMPLOY INS	51-510-52-00-5230		444.06	
				05	2022 3RD QTR UNEMPLOY INS	52-520-52-00-5230		233.60	
						INVOICE TOTAL:		5,469.00	*
						CHECK TOTAL:			5,469.00
537323	FLEEPRID	FLEETPRIDE							
	101798363		08/23/22	01	PIGGYBACK KIT	01-410-56-00-5628		109.98	
						INVOICE TOTAL:		109.98	*
	101935374		08/29/22	01	CHAMBER	01-410-56-00-5628		224.00	
						INVOICE TOTAL:		224.00	*
						CHECK TOTAL:			333.98
537324	FOXVALLE	FOX VALLEY TROPHY & AWARDS							
	37065		08/29/22	01	2022 HTD PINEWOOD DERBY	79-795-56-00-5602		137.00	
				02	TROPHIES	** COMMENT **			
						INVOICE TOTAL:		137.00	*
						CHECK TOTAL:			137.00
537325	GARDKOCH	GARDINER KOCH & WEISBERG							

01-110	ADMINISTRATION	01-112	SUNFLOWER ESTATES	25-225	PARK & REC CAPITAL	82-820	LIBRARY OPERATIONS
01-120	FINANCE	15-155	MOTOR FUEL TAX	42-420	DEBT SERVICE	84-840	LIBRARAY CAPITAL
01-210	POLICE	23-216	MUNICIPAL BUILDING	51-510	WATER OPERATIONS	87-870	COUNTRYSIDE TIF
01-220	COMMUNITY DEVELOPMENT	23-230	CITY-WIDE CAPITAL	52-520	SEWER OPERATIONS	88-880	DOWNTOWN TIF
01-410	STREETS OPERATION	24-216	BUILDING & GROUNDS	72-720	LAND CASH	89-890	DOWNTOWN TIF II
01-640	ADMINISTRATIVE SERVICES	25-205	POLICE CAPITAL	79-790	PARKS DEPARTMENT	90-XXX	DEVELOPER ESCROW
01-111	FOX HILL SSA	25-215	PUBLIC WORKS CAPITAL	79-795	RECREATION DEPARTMENT	950-XXX	ESCROW DEPOSIT

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537325	GARDKOCH GARDINER KOCH & WEISBERG						
	H-2364C-10670	09/10/22	01	KIMBALL HILL I MATTER	01-640-54-00-5461		9,520.55
					INVOICE TOTAL:		9,520.55 *
					CHECK TOTAL:		9,520.55
537326	GENEVA GENEVA CONSTRUCTION						
	60169	09/02/22	01	ENGINEER'S PAYMENT ESTIMATE #3	15-155-60-00-6025		942,889.59
			02	2022 ROAD PROGRAM	** COMMENT **		
					INVOICE TOTAL:		942,889.59 *
	60178	09/13/22	01	ENGINEERS PAYMENT ESTIMATE #2	23-230-60-00-6088		86,277.25
			02	KENNEDY AND MILL RD	** COMMENT **		
			03	INTERSECTION IMPROVEMENTS	** COMMENT **		
					INVOICE TOTAL:		86,277.25 *
					CHECK TOTAL:		1,029,166.84
537327	GRIFFINC COLIN GRIFFIN						
	AUG 27-SEPT 10	09/14/22	01	UMPIRE	79-795-54-00-5462		50.00
					INVOICE TOTAL:		50.00 *
					CHECK TOTAL:		50.00
537328	GROOT GROOT INC						
	9360147T102	09/01/22	01	AUG 2022 REFUSE SERVICE	01-540-54-00-5442		128,805.00
			02	AUG 2022 SR. REFUSE SERVICE	01-540-54-00-5441		3,505.75
					INVOICE TOTAL:		132,310.75 *
					CHECK TOTAL:		132,310.75
537329	HACH HACH COMPANY						

01-110	ADMINISTRATION	01-112	SUNFLOWER ESTATES	25-225	PARK & REC CAPITAL	82-820	LIBRARY OPERATIONS
01-120	FINANCE	15-155	MOTOR FUEL TAX	42-420	DEBT SERVICE	84-840	LIBRARAY CAPITAL
01-210	POLICE	23-216	MUNICIPAL BUILDING	51-510	WATER OPERATIONS	87-870	COUNTRYSIDE TIF
01-220	COMMUNITY DEVELOPMENT	23-230	CITY-WIDE CAPITAL	52-520	SEWER OPERATIONS	88-880	DOWNTOWN TIF
01-410	STREETS OPERATION	24-216	BUILDING & GROUNDS	72-720	LAND CASH	89-890	DOWNTOWN TIF II
01-640	ADMINISTRATIVE SERVICES	25-205	POLICE CAPITAL	79-790	PARKS DEPARTMENT	90-XXX	DEVELOPER ESCROW
01-111	FOX HILL SSA	25-215	PUBLIC WORKS CAPITAL	79-795	RECREATION DEPARTMENT	950-XXX	ESCROW DEPOSIT

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537329	HACH	HACH COMPANY							
	13213161		08/25/22	01	HARDNESS TESTING SOLUTION	51-510-56-00-5638		71.91	
						INVOICE TOTAL:		71.91	*
	13216823		08/26/22	01	BUFFER SOLUTION	51-510-56-00-5638		72.21	
						INVOICE TOTAL:		72.21	*
						CHECK TOTAL:		144.12	
537330	HARRIS	HARRIS COMPUTER SYSTEMS							
	MSIXT0000286		08/31/22	01	MYGOVHUB FEES-AUG 2022	01-120-54-00-5462		101.14	
				02	MYGOVHUB FEES-AUG 2022	51-510-54-00-5462		152.64	
				03	MYGOVHUB FEES-AUG 2022	52-520-54-00-5462		44.05	
						INVOICE TOTAL:		297.83	*
						CHECK TOTAL:		297.83	
537331	HIFIEVEN	HI FI EVENTS, INC.							
	YHD090222		09/11/22	01	HTD ADDITIONAL STAGE EQUIPMENT	79-795-56-00-5602		1,400.00	
				02	NEEDED FOR CHRISTIAN BANDS	** COMMENT **			
						INVOICE TOTAL:		1,400.00	*
						CHECK TOTAL:		1,400.00	
537332	HUITROND	DIEGO HUITRAN							
	091022		09/10/22	01	REFEREE	79-795-54-00-5462		160.00	
						INVOICE TOTAL:		160.00	*
						CHECK TOTAL:		160.00	
537333	ILLCO	ILLCO, INC.							
	1404111		08/11/22	01	THERM W/WELL	24-216-56-00-5656		266.00	
						INVOICE TOTAL:		266.00	*
						CHECK TOTAL:		266.00	

01-110	ADMINISTRATION	01-112	SUNFLOWER ESTATES	25-225	PARK & REC CAPITAL	82-820	LIBRARY OPERATIONS
01-120	FINANCE	15-155	MOTOR FUEL TAX	42-420	DEBT SERVICE	84-840	LIBRARAY CAPITAL
01-210	POLICE	23-216	MUNICIPAL BUILDING	51-510	WATER OPERATIONS	87-870	COUNTRYSIDE TIF
01-220	COMMUNITY DEVELOPMENT	23-230	CITY-WIDE CAPITAL	52-520	SEWER OPERATIONS	88-880	DOWNTOWN TIF
01-410	STREETS OPERATION	24-216	BUILDING & GROUNDS	72-720	LAND CASH	89-890	DOWNTOWN TIF II
01-640	ADMINISTRATIVE SERVICES	25-205	POLICE CAPITAL	79-790	PARKS DEPARTMENT	90-XXX	DEVELOPER ESCROW
01-111	FOX HILL SSA	25-215	PUBLIC WORKS CAPITAL	79-795	RECREATION DEPARTMENT	950-XXX	ESCROW DEPOSIT

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537334	IMPACT	IMPACT NETWORKING, LLC						
	2673956	08/31/22	01	AUG 2022 COPY CHARGES	79-795-54-00-5462		94.50	
			02	AUG 2022 COPY CHARGES	79-790-54-00-5462		94.50	
			03	AUG 2022 COPY CHARGES	01-110-54-00-5430		91.91	
			04	AUG 2022 COPY CHARGES	01-120-54-00-5430		30.64	
			05	AUG 2022 COPY CHARGES	01-220-54-00-5430		111.35	
			06	AUG 2022 COPY CHARGES	01-410-54-00-5462		1.80	
			07	AUG 2022 COPY CHARGES	51-510-54-00-5430		1.80	
			08	AUG 2022 COPY CHARGES	52-520-54-00-5430		1.80	
			09	AUG 2022 COPY CHARGES	01-210-54-00-5430		86.28	
						INVOICE TOTAL:	514.58	*
					CHECK TOTAL:			514.58
537335	INTERDEV	INTERDEV, LLC						
	MSP1034981	08/31/22	01	MONTHLY IT BILLING-AUG 2022	01-640-54-00-5450		8,302.91	
						INVOICE TOTAL:	8,302.91	*
					CHECK TOTAL:			8,302.91
537336	JIMSTRCK	JIM'S TRUCK INSPECTION LLC						
	193143	08/30/22	01	TRUCK INSPECTION	01-410-54-00-5490		37.00	
						INVOICE TOTAL:	37.00	*
					CHECK TOTAL:			37.00
537337	JOHNSONG	GREGORY JOHNSON						
	AUG 27-SEPT 10	09/14/22	01	UMPIRE	79-795-54-00-5462		130.00	
						INVOICE TOTAL:	130.00	*
					CHECK TOTAL:			130.00
537338	KLEMMA	AARON KLEMM						

01-110	ADMINISTRATION	01-112	SUNFLOWER ESTATES	25-225	PARK & REC CAPITAL	82-820	LIBRARY OPERATIONS
01-120	FINANCE	15-155	MOTOR FUEL TAX	42-420	DEBT SERVICE	84-840	LIBRARAY CAPITAL
01-210	POLICE	23-216	MUNICIPAL BUILDING	51-510	WATER OPERATIONS	87-870	COUNTRYSIDE TIF
01-220	COMMUNITY DEVELOPMENT	23-230	CITY-WIDE CAPITAL	52-520	SEWER OPERATIONS	88-880	DOWNTOWN TIF
01-410	STREETS OPERATION	24-216	BUILDING & GROUNDS	72-720	LAND CASH	89-890	DOWNTOWN TIF II
01-640	ADMINISTRATIVE SERVICES	25-205	POLICE CAPITAL	79-790	PARKS DEPARTMENT	90-XXX	DEVELOPER ESCROW
01-111	FOX HILL SSA	25-215	PUBLIC WORKS CAPITAL	79-795	RECREATION DEPARTMENT	950-XXX	ESCROW DEPOSIT

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537338	KLEMMA	AARON KLEMM							
	AUG 27-SEPT 10		09/14/22	01	UMPIRE	79-795-54-00-5462		210.00	
						INVOICE TOTAL:		210.00	*
						CHECK TOTAL:		210.00	
537339	KOZIALB	BENJAMIN KOZIAL							
	AUG 27-SEPT 10		09/14/22	01	UMPIRE	79-795-54-00-5462		85.00	
						INVOICE TOTAL:		85.00	*
						CHECK TOTAL:		85.00	
537340	LOHERL	LIAM LOHER							
	AUG 27-SEPT 10		09/14/22	01	UMPIRE	79-795-54-00-5462		175.00	
						INVOICE TOTAL:		175.00	*
						CHECK TOTAL:		175.00	
537341	MENINC	MENARDS INC							
	073122-STREBATE		09/15/22	01	MAY-JUL 2022 SALES TAX REBATE	01-640-54-00-5492		89,607.53	
						INVOICE TOTAL:		89,607.53	*
						CHECK TOTAL:		89,607.53	
537342	MENLAND	MENARDS - YORKVILLE							
	48742		07/21/22	01	PAINT	24-216-56-00-5656		31.96	
						INVOICE TOTAL:		31.96	*
	50058		08/05/22	01	BATTERIES	51-510-56-00-5665		18.74	
						INVOICE TOTAL:		18.74	*
	50301		08/08/22	01	DOWNSPOUTS, ELBOWS, FUEL	24-216-56-00-5656		48.22	

01-110	**ADMINISTRATION**	**01-112**	**SUNFLOWER ESTATES**	**25-225**	**PARK & REC CAPITAL**	**82-820**	**LIBRARY OPERATIONS**
01-120	**FINANCE**	**15-155**	**MOTOR FUEL TAX**	**42-420**	**DEBT SERVICE**	**84-840**	**LIBRARAY CAPITAL**
01-210	**POLICE**	**23-216**	**MUNICIPAL BUILDING**	**51-510**	**WATER OPERATIONS**	**87-870**	**COUNTRYSIDE TIF**
01-220	**COMMUNITY DEVELOPMENT**	**23-230**	**CITY-WIDE CAPITAL**	**52-520**	**SEWER OPERATIONS**	**88-880**	**DOWNTOWN TIF**
01-410	**STREETS OPERATION**	**24-216**	**BUILDING & GROUNDS**	**72-720**	**LAND CASH**	**89-890**	**DOWNTOWN TIF II**
01-640	**ADMINISTRATIVE SERVICES**	**25-205**	**POLICE CAPITAL**	**79-790**	**PARKS DEPARTMENT**	**90-XXX**	**DEVELOPER ESCROW**
01-111	**FOX HILL SSA**	**25-215**	**PUBLIC WORKS CAPITAL**	**79-795**	**RECREATION DEPARTMENT**	**950-XXX**	**ESCROW DEPOSIT**

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537342	MENLAND	MENARDS - YORKVILLE							
	50301		08/08/22	02	PREMIX	** COMMENT **			
							INVOICE TOTAL:	48.22	*
	50395		08/09/22	01	PAINT BRUSHES	51-510-56-00-5640		9.98	
							INVOICE TOTAL:	9.98	*
	50426		08/09/22	01	FUEL PREMIX, RATCHETS	51-510-56-00-5620		48.55	
							INVOICE TOTAL:	48.55	*
	50473		08/10/22	01	COUNTERTOPS, TOILET CLEANER	24-216-56-00-5656		399.39	
							INVOICE TOTAL:	399.39	*
	50480		08/10/22	01	SAW BLADE, PAINTERS TAPE	01-410-56-00-5620		22.92	
							INVOICE TOTAL:	22.92	*
	50556-22		08/11/22	01	DUCT TAPE	51-510-56-00-5620		9.64	
							INVOICE TOTAL:	9.64	*
	50561-22		08/11/22	01	MOD PLUGS	24-216-56-00-5656		17.93	
							INVOICE TOTAL:	17.93	*
	50579		08/11/22	01	SWITCHBOX, CONNECTORS, BOX	24-216-56-00-5656		6.79	
				02	COVER	** COMMENT **			
							INVOICE TOTAL:	6.79	*
	50928		08/16/22	01	PAINT CAN SPOUT, PAINT PAILS,	51-510-56-00-5640		47.89	
				02	BRUSH	** COMMENT **			
							INVOICE TOTAL:	47.89	*
	51005		08/17/22	01	SAFETY PAINT	51-510-56-00-5640		45.98	
							INVOICE TOTAL:	45.98	*
	51472-22		08/23/22	01	BLEACH, DIEDEL EXHAUST FLUID	52-520-56-00-5620		107.52	
							INVOICE TOTAL:	107.52	*

01-110	ADMINISTRATION	01-112	SUNFLOWER ESTATES	25-225	PARK & REC CAPITAL	82-820	LIBRARY OPERATIONS
01-120	FINANCE	15-155	MOTOR FUEL TAX	42-420	DEBT SERVICE	84-840	LIBRARAY CAPITAL
01-210	POLICE	23-216	MUNICIPAL BUILDING	51-510	WATER OPERATIONS	87-870	COUNTRYSIDE TIF
01-220	COMMUNITY DEVELOPMENT	23-230	CITY-WIDE CAPITAL	52-520	SEWER OPERATIONS	88-880	DOWNTOWN TIF
01-410	STREETS OPERATION	24-216	BUILDING & GROUNDS	72-720	LAND CASH	89-890	DOWNTOWN TIF II
01-640	ADMINISTRATIVE SERVICES	25-205	POLICE CAPITAL	79-790	PARKS DEPARTMENT	90-XXX	DEVELOPER ESCROW
01-111	FOX HILL SSA	25-215	PUBLIC WORKS CAPITAL	79-795	RECREATION DEPARTMENT	950-XXX	ESCROW DEPOSIT

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537342	MENLAND	MENARDS - YORKVILLE							
	51506		08/23/22	01	PLYWOOD	01-410-56-00-5620		30.82	
						INVOICE TOTAL:		30.82	*
	51644		08/25/22	01	STRAW, LEAF RAKES	01-410-56-00-5640		83.94	
						INVOICE TOTAL:		83.94	*
	51655		08/25/22	01	BLOW GUN, PLUG BRAS	51-510-56-00-5620		6.98	
						INVOICE TOTAL:		6.98	*
	51656		08/25/22	01	CLEVIS, E RINGS	01-410-56-00-5620		3.06	
						INVOICE TOTAL:		3.06	*
	51676		08/25/22	01	AXEL STRAPS, TOW STRAPLOOP	52-520-56-00-5620		24.84	
						INVOICE TOTAL:		24.84	*
	51679		08/25/22	01	COUPLING, PVC PIPE	52-520-56-00-5620		46.20	
						INVOICE TOTAL:		46.20	*
	51742		08/26/22	01	DOOR STOP, DRILL BIT SET	51-510-56-00-5630		67.98	
						INVOICE TOTAL:		67.98	*
	550922		08/16/22	01	MP STARTER, SHADE SEED, STRAW	51-510-56-00-5640		102.92	
						INVOICE TOTAL:		102.92	*
						CHECK TOTAL:		1,182.25	
537343	MIDAM	MID AMERICAN WATER							
	205702A		08/15/22	01	VALCO CLEANOUT COVERS	51-510-56-00-5640		2,500.00	
						INVOICE TOTAL:		2,500.00	*
						CHECK TOTAL:		2,500.00	
537344	MIDWASH	NATIONAL WASH AUTHORITY							

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537344	MIDWASH	NATIONAL WASH AUTHORITY							
	5802		09/08/22	01	3299 LEHMAN CROSSING TOWER	51-510-54-00-5445		6,600.00	
				02	CLEANING ** COMMENT **				
						INVOICE TOTAL:		6,600.00	*
						CHECK TOTAL:			6,600.00
537345	MIDWSALT	MIDWEST SALT							
	0224329		07/26/22	01	BULK ROCK SALT	51-510-56-00-5638		3,069.87	
						INVOICE TOTAL:		3,069.87	*
						CHECK TOTAL:			3,069.87
537346	MODJESKM	MICHAEL COLE MODJESKI							
	AUG 27-SEPT 10		09/14/22	01	UMPIRE	79-795-54-00-5462		90.00	
						INVOICE TOTAL:		90.00	*
						CHECK TOTAL:			90.00
537347	MORASPH	MORRIS SAND & GRAVEL, INC.							
	4895		08/12/22	01	N-50 SURFACE	23-230-60-00-6032		305.62	
						INVOICE TOTAL:		305.62	*
	4937		08/23/22	01	N-50 SURFACE	23-230-60-00-6032		1,459.07	
						INVOICE TOTAL:		1,459.07	*
						CHECK TOTAL:			1,764.69
537348	MORRISHH	MORRIS HOSPITAL & HEALTHCARE							
	00022932-00		08/31/22	01	STAFF TB SKIN TESTING	79-795-54-00-5462		253.00	
						INVOICE TOTAL:		253.00	*
						CHECK TOTAL:			253.00

01-110	ADMINISTRATION	01-112	SUNFLOWER ESTATES	25-225	PARK & REC CAPITAL	82-820	LIBRARY OPERATIONS
01-120	FINANCE	15-155	MOTOR FUEL TAX	42-420	DEBT SERVICE	84-840	LIBRARAY CAPITAL
01-210	POLICE	23-216	MUNICIPAL BUILDING	51-510	WATER OPERATIONS	87-870	COUNTRYSIDE TIF
01-220	COMMUNITY DEVELOPMENT	23-230	CITY-WIDE CAPITAL	52-520	SEWER OPERATIONS	88-880	DOWNTOWN TIF
01-410	STREETS OPERATION	24-216	BUILDING & GROUNDS	72-720	LAND CASH	89-890	DOWNTOWN TIF II
01-640	ADMINISTRATIVE SERVICES	25-205	POLICE CAPITAL	79-790	PARKS DEPARTMENT	90-XXX	DEVELOPER ESCROW
01-111	FOX HILL SSA	25-215	PUBLIC WORKS CAPITAL	79-795	RECREATION DEPARTMENT	950-XXX	ESCROW DEPOSIT

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CHECK #	VENDOR # / INVOICE #		INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	PROJECT CODE	ITEM AMT	
537349	MULLENSA	ANTHONY MULLENS							
	AUG 27-SEPT 10		09/14/22	01	UMPIRE	79-795-54-00-5462		130.00	
						INVOICE TOTAL:		130.00	*
						CHECK TOTAL:		130.00	
537350	NEOPOST	QUADIENT FINANCE USA, INC							
	092522-CITY		09/25/22	01	REFILL POSTAGE METER	01-000-14-00-1400		500.00	
						INVOICE TOTAL:		500.00	*
						CHECK TOTAL:		500.00	
537351	NICOR	NICOR GAS							
	00-41-22-8748 4-0822		08/31/22	01	08/02-08/31 1107 PRAIRIE	01-110-54-00-5480		94.66	
						INVOICE TOTAL:		94.66	*
	12-43-53-5625 3-0822		09/01/22	01	08/03-09/01 609 N BRIDGE	01-110-54-00-5480		37.24	
						INVOICE TOTAL:		37.24	*
	15-41-50-1000 6-0822		09/01/22	01	08/02-08/31 804 GAME FARM RD	01-110-54-00-5480		236.07	
						INVOICE TOTAL:		236.07	*
	15-64-61-3532 5-0822		08/31/22	01	08/02-08/31 1991 CANNONBALL TR	01-110-54-00-5480		58.01	
						INVOICE TOTAL:		58.01	*
	20-52-56-2042 1-0822		08/29/22	01	07/29-08/29 420 FAIRHAVEN	01-110-54-00-5480		161.43	
						INVOICE TOTAL:		161.43	*
	23-45-91-4862 5-0822		09/02/22	01	08/03-09/01 101 BRUELL ST	01-110-54-00-5480		167.04	
						INVOICE TOTAL:		167.04	*
	31-61-67-2493 1-0822		09/09/22	01	08/10-09/09 276 WINDHAM CR	01-110-54-00-5480		109.74	
						INVOICE TOTAL:		109.74	*

01-110	ADMINISTRATION	01-112	SUNFLOWER ESTATES	25-225	PARK & REC CAPITAL	82-820	LIBRARY OPERATIONS
01-120	FINANCE	15-155	MOTOR FUEL TAX	42-420	DEBT SERVICE	84-840	LIBRARAY CAPITAL
01-210	POLICE	23-216	MUNICIPAL BUILDING	51-510	WATER OPERATIONS	87-870	COUNTRYSIDE TIF
01-220	COMMUNITY DEVELOPMENT	23-230	CITY-WIDE CAPITAL	52-520	SEWER OPERATIONS	88-880	DOWNTOWN TIF
01-410	STREETS OPERATION	24-216	BUILDING & GROUNDS	72-720	LAND CASH	89-890	DOWNTOWN TIF II
01-640	ADMINISTRATIVE SERVICES	25-205	POLICE CAPITAL	79-790	PARKS DEPARTMENT	90-XXX	DEVELOPER ESCROW
01-111	FOX HILL SSA	25-215	PUBLIC WORKS CAPITAL	79-795	RECREATION DEPARTMENT	950-XXX	ESCROW DEPOSIT

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537351	NICOR	NICOR GAS							
	37-35-53-1941 1-0822		09/07/22	01	08/08-09/07 185 WOLF ST	01-110-54-00-5480		49.65	
						INVOICE TOTAL:		49.65	*
	40-52-64-8356 1-0822		09/02/22	01	08/04-09/02 102 E VAN EMMON	01-110-54-00-5480		158.58	
						INVOICE TOTAL:		158.58	*
	46-69-47-6727 1-0822		09/07/22	01	08/08-09/07 1975 BRIDGE	01-110-54-00-5480		162.10	
						INVOICE TOTAL:		162.10	*
	61-60-41-1000 9-0822		09/02/22	01	08/03-09/01 610 TOWER	01-110-54-00-5480		86.65	
						INVOICE TOTAL:		86.65	*
	66-70-44-6942 9-0822		09/07/22	01	08/08-09/07 1908 RAINTREE	01-110-54-00-5480		325.72	
						INVOICE TOTAL:		325.72	*
	80-56-05-1157 0-0822		09/07/22	01	08/08-09/07 2512 ROSEMONT	01-110-54-00-5480		59.47	
						INVOICE TOTAL:		59.47	*
	83-80-00-1000 7-0822		09/02/22	01	08/03-09/01 610 TOWER UNIT B	01-110-54-00-5480		61.08	
						INVOICE TOTAL:		61.08	*
	91-85-68-4012 8-0822		09/01/22	01	08/02-08/31 902 GAME FARM RD	82-820-54-00-5480		1,200.33	
						INVOICE TOTAL:		1,200.33	*
	95-16-10-1000 4-0822		09/01/22	01	08/03-09/01 1 RT47	01-110-54-00-5480		49.34	
						INVOICE TOTAL:		49.34	*
						CHECK TOTAL:		3,017.11	
537352	NUTOYS	NUTOYS LEISURE PRODUCTS							
	53176		08/04/22	01	2 6' STEEL BENCHES	25-225-60-00-6060		3,221.00	
						INVOICE TOTAL:		3,221.00	*
						CHECK TOTAL:		3,221.00	

01-110	ADMINISTRATION	01-112	SUNFLOWER ESTATES	25-225	PARK & REC CAPITAL	82-820	LIBRARY OPERATIONS
01-120	FINANCE	15-155	MOTOR FUEL TAX	42-420	DEBT SERVICE	84-840	LIBRARAY CAPITAL
01-210	POLICE	23-216	MUNICIPAL BUILDING	51-510	WATER OPERATIONS	87-870	COUNTRYSIDE TIF
01-220	COMMUNITY DEVELOPMENT	23-230	CITY-WIDE CAPITAL	52-520	SEWER OPERATIONS	88-880	DOWNTOWN TIF
01-410	STREETS OPERATION	24-216	BUILDING & GROUNDS	72-720	LAND CASH	89-890	DOWNTOWN TIF II
01-640	ADMINISTRATIVE SERVICES	25-205	POLICE CAPITAL	79-790	PARKS DEPARTMENT	90-XXX	DEVELOPER ESCROW
01-111	FOX HILL SSA	25-215	PUBLIC WORKS CAPITAL	79-795	RECREATION DEPARTMENT	950-XXX	ESCROW DEPOSIT

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537353	OLEARYM	MARTIN J. O'LEARY							
	082822		08/28/22	01	REFEREE	79-795-54-00-5462		105.00	
						INVOICE TOTAL:		105.00	*
						CHECK TOTAL:		105.00	
D002662	ORRK	KATHLEEN FIELD ORR & ASSOC.							
	16968		09/06/22	01	MISC ADMIN LEGAL MATTERS	01-640-54-00-5456		4,114.00	
				02	BRIGHT FARMS MATTERS	90-173-00-00-0011		1,133.00	
				03	BRISTOL BAY MATTERS	01-640-54-00-5456		165.00	
				04	DOWNTOWN TIF MATERS	88-880-54-00-5462		935.00	
				05	DOWNTOWN TIF II MATTERS	89-890-54-00-5462		363.00	
				06	GREEN DOOR DEVELOPMENT MATTERS	01-640-54-00-5456		495.00	
				07	MEETINGS	01-640-54-00-5456		1,600.00	
						INVOICE TOTAL:		8,805.00	*
						DIRECT DEPOSIT TOTAL:		8,805.00	
537354	PAWLOWSM	MARK PAWLOWSKI							
	090822		09/08/22	01	REFEREE	79-795-54-00-5462		160.00	
						INVOICE TOTAL:		160.00	*
						CHECK TOTAL:		160.00	
537355	PEPSI	PEPSI-COLA GENERAL BOTTLE							
	30736003		08/29/22	01	BEECHER CONCESSION DRINKS	79-795-56-00-5607		418.83	
						INVOICE TOTAL:		418.83	*
						CHECK TOTAL:		418.83	
537356	PETERSOA	ALIESHA JEAN PETERSON							
	AUG 27-SEPT 10		09/14/22	01	UMPIRE	79-795-54-00-5462		100.00	
						INVOICE TOTAL:		100.00	*
						CHECK TOTAL:		100.00	

01-110	ADMINISTRATION	01-112	SUNFLOWER ESTATES	25-225	PARK & REC CAPITAL	82-820	LIBRARY OPERATIONS
01-120	FINANCE	15-155	MOTOR FUEL TAX	42-420	DEBT SERVICE	84-840	LIBRARAY CAPITAL
01-210	POLICE	23-216	MUNICIPAL BUILDING	51-510	WATER OPERATIONS	87-870	COUNTRYSIDE TIF
01-220	COMMUNITY DEVELOPMENT	23-230	CITY-WIDE CAPITAL	52-520	SEWER OPERATIONS	88-880	DOWNTOWN TIF
01-410	STREETS OPERATION	24-216	BUILDING & GROUNDS	72-720	LAND CASH	89-890	DOWNTOWN TIF II
01-640	ADMINISTRATIVE SERVICES	25-205	POLICE CAPITAL	79-790	PARKS DEPARTMENT	90-XXX	DEVELOPER ESCROW
01-111	FOX HILL SSA	25-215	PUBLIC WORKS CAPITAL	79-795	RECREATION DEPARTMENT	950-XXX	ESCROW DEPOSIT

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537357	PFPETT	P.F. PETTIBONE & CO.							
	182543		08/02/22	01	CITY COUNCIL MINUTE BOOKS AND	01-110-56-00-5610		500.95	
				02	MINUTE PAPER	** COMMENT **			
						INVOICE TOTAL:		500.95	*
						CHECK TOTAL:		500.95	
537358	PITSTOP	PIT STOP							
	PS477191		08/25/22	01	07/29-08/25 PORTOLET UPKEEP	79-795-56-00-5620		210.00	
				02	FOR TOWN SQUARE	** COMMENT **			
						INVOICE TOTAL:		210.00	*
	PS477192		08/25/22	01	07/29-08/25 PORTOLET UPKEEP	79-795-56-00-5620		278.00	
				02	FOR RIVERFRONT PARK	** COMMENT **			
						INVOICE TOTAL:		278.00	*
	PS477193		08/25/22	01	07/29-08/25 PORTOLET UPKEEP	79-795-56-00-5620		92.00	
				02	FOR VAN EMMON PARK	** COMMENT **			
						INVOICE TOTAL:		92.00	*
	PS477194		08/25/22	01	07/29-08/25 PORTOLET UPKEEP	79-795-56-00-5620		80.00	
				02	FOR FOX HILL PARK WEST	** COMMENT **			
						INVOICE TOTAL:		80.00	*
	PS477195		08/25/22	01	07/29-08/25 PORTOLET UPKEEP	79-795-56-00-5620		80.00	
				02	FOR FOX HILL PARK EAST	** COMMENT **			
						INVOICE TOTAL:		80.00	*
	PS477196		08/25/22	01	07/29-08/25 PORTOLET UPKEEP	79-795-56-00-5620		302.00	
				02	FOR BEECHER COMMUNITY PARK	** COMMENT **			
						INVOICE TOTAL:		302.00	*
	PS477197		08/25/22	01	07/29-08/25 PORTOLET UPKEEP	79-795-56-00-5620		160.00	
				02	FOR 2775 GRANDE TR	** COMMENT **			
						INVOICE TOTAL:		160.00	*

01-110	ADMINISTRATION	01-112	SUNFLOWER ESTATES	25-225	PARK & REC CAPITAL	82-820	LIBRARY OPERATIONS
01-120	FINANCE	15-155	MOTOR FUEL TAX	42-420	DEBT SERVICE	84-840	LIBRARAY CAPITAL
01-210	POLICE	23-216	MUNICIPAL BUILDING	51-510	WATER OPERATIONS	87-870	COUNTRYSIDE TIF
01-220	COMMUNITY DEVELOPMENT	23-230	CITY-WIDE CAPITAL	52-520	SEWER OPERATIONS	88-880	DOWNTOWN TIF
01-410	STREETS OPERATION	24-216	BUILDING & GROUNDS	72-720	LAND CASH	89-890	DOWNTOWN TIF II
01-640	ADMINISTRATIVE SERVICES	25-205	POLICE CAPITAL	79-790	PARKS DEPARTMENT	90-XXX	DEVELOPER ESCROW
01-111	FOX HILL SSA	25-215	PUBLIC WORKS CAPITAL	79-795	RECREATION DEPARTMENT	950-XXX	ESCROW DEPOSIT

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537358	PITSTOP PIT STOP						
	PS477198	08/25/22	01	07/29-08/25 PORTOLET UPKEEP	79-795-56-00-5620		102.00
			02	FOR SPLASH PAD	** COMMENT **		
					INVOICE TOTAL:		102.00 *
	PS477199	08/25/22	01	07/29-08/25 PORTOLET UPKEEP	79-795-56-00-5620		92.00
			02	FOR STEVEN BRIDGE PARK	** COMMENT **		
					INVOICE TOTAL:		92.00 *
	PS477200	08/25/22	01	08/23-08/25 PORTOLET UPKEEP	79-795-56-00-5620		19.71
			02	FOR YORKVILLE MIDDLE SCHOOL	** COMMENT **		
					INVOICE TOTAL:		19.71 *
	PS477201	08/25/22	01	07/29-08/25 PORTOLET UPKEEP	79-795-56-00-5620		80.00
			02	FOR CANNONBALL RIDGE PARK	** COMMENT **		
					INVOICE TOTAL:		80.00 *
	PS477202	08/25/22	01	07/29-08/25 PORTOLET UPKEEP	79-795-56-00-5620		80.00
			02	FOR GREEN PARK BASEBLL FIELD	** COMMENT **		
					INVOICE TOTAL:		80.00 *
	PS477203	08/25/22	01	07/29-08/25 PORTOLET UPKEEP	79-795-56-00-5620		80.00
			02	FOR BRISTOL STATION PARK	** COMMENT **		
					INVOICE TOTAL:		80.00 *
	PS477204	08/25/22	01	07/29-08/25 PORTOLET UPKEEP	79-795-56-00-5620		80.00
			02	FOR RIEMENSCHNEIDER BASEBALL	** COMMENT **		
			03	FIELD	** COMMENT **		
					INVOICE TOTAL:		80.00 *
	PS477205	08/25/22	01	07/29-08/25 PORTOLET UPKEEP	79-795-56-00-5620		540.00
			02	FOR SOCCER EQUIPMENT SHED	** COMMENT **		
					INVOICE TOTAL:		540.00 *
	PS477206	08/25/22	01	07/29-08/25 PORTOLET UPKEEP	79-795-56-00-5620		92.00

01-110	ADMINISTRATION	01-112	SUNFLOWER ESTATES	25-225	PARK & REC CAPITAL	82-820	LIBRARY OPERATIONS
01-120	FINANCE	15-155	MOTOR FUEL TAX	42-420	DEBT SERVICE	84-840	LIBRARAY CAPITAL
01-210	POLICE	23-216	MUNICIPAL BUILDING	51-510	WATER OPERATIONS	87-870	COUNTRYSIDE TIF
01-220	COMMUNITY DEVELOPMENT	23-230	CITY-WIDE CAPITAL	52-520	SEWER OPERATIONS	88-880	DOWNTOWN TIF
01-410	STREETS OPERATION	24-216	BUILDING & GROUNDS	72-720	LAND CASH	89-890	DOWNTOWN TIF II
01-640	ADMINISTRATIVE SERVICES	25-205	POLICE CAPITAL	79-790	PARKS DEPARTMENT	90-XXX	DEVELOPER ESCROW
01-111	FOX HILL SSA	25-215	PUBLIC WORKS CAPITAL	79-795	RECREATION DEPARTMENT	950-XXX	ESCROW DEPOSIT

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537358	PITSTOP	PIT STOP							
	PS477206		08/25/22	02	FOR STEPPING STONES PARK	** COMMENT **			
						INVOICE TOTAL:		92.00	*
	PS477207		08/25/22	01	06/10-08/25 PORTOLET UPKEEP	79-795-56-00-5620		253.00	
				02	FOR HIDING SPOT PARK	** COMMENT **			
						INVOICE TOTAL:		253.00	*
						CHECK TOTAL:		2,620.71	
537359	PRINTSRC	LAMBERT PRINT SOURCE, LLC							
	2955		08/31/22	01	2022 HTD CAR SHOW SHIRTS	79-795-56-00-5602		890.00	
						INVOICE TOTAL:		890.00	*
	2958		08/31/22	01	2022 HTD SIGNAGE & BANNERS	79-795-56-00-5602		3,465.60	
						INVOICE TOTAL:		3,465.60	*
	2966		09/02/22	01	2022 HTD BARRICADE DECALS	79-795-56-00-5602		380.00	
						INVOICE TOTAL:		380.00	*
						CHECK TOTAL:		4,735.60	
537360	R0000474	NEIL BORNEMAN							
	90622		09/06/22	01	REFUND LIBRARY AND CITY	01-640-54-00-5491		1,370.31	
				02	PORTION OF TAXES PER ORDINANCE	** COMMENT **			
				03	2006-105	** COMMENT **			
						INVOICE TOTAL:		1,370.31	*
						CHECK TOTAL:		1,370.31	
537361	R0001751	SAMANTHA LEHEW							
	050419-LEHEW		09/08/22	01	BEECHER DEPOSIT REFUND	01-000-24-00-2410		50.00	
						INVOICE TOTAL:		50.00	*

01-110	ADMINISTRATION	01-112	SUNFLOWER ESTATES	25-225	PARK & REC CAPITAL	82-820	LIBRARY OPERATIONS
01-120	FINANCE	15-155	MOTOR FUEL TAX	42-420	DEBT SERVICE	84-840	LIBRARAY CAPITAL
01-210	POLICE	23-216	MUNICIPAL BUILDING	51-510	WATER OPERATIONS	87-870	COUNTRYSIDE TIF
01-220	COMMUNITY DEVELOPMENT	23-230	CITY-WIDE CAPITAL	52-520	SEWER OPERATIONS	88-880	DOWNTOWN TIF
01-410	STREETS OPERATION	24-216	BUILDING & GROUNDS	72-720	LAND CASH	89-890	DOWNTOWN TIF II
01-640	ADMINISTRATIVE SERVICES	25-205	POLICE CAPITAL	79-790	PARKS DEPARTMENT	90-XXX	DEVELOPER ESCROW
01-111	FOX HILL SSA	25-215	PUBLIC WORKS CAPITAL	79-795	RECREATION DEPARTMENT	950-XXX	ESCROW DEPOSIT

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537361	R0001751 SAMANTHA LEHEW						
	092819-LEHEW	09/08/22	01	BEECHER DEPOSIT REFUND	01-000-24-00-2410		50.00
					INVOICE TOTAL:		50.00 *
					CHECK TOTAL:		100.00
537362	R0002208 HARI DEVELOPMENT YORKVILLE LLC						
	073122-STREBATE	09/15/22	01	MAY-JUL 2022 SALES TAX REBATE	01-640-54-00-5492		1,340.73
					INVOICE TOTAL:		1,340.73 *
					CHECK TOTAL:		1,340.73
537363	R0002288 LENNAR						
	1198 HAWK HOLLOW	09/07/22	01	SECURITY GUARANTEE REFUND	01-000-24-00-2415		375.00
					INVOICE TOTAL:		375.00 *
	2221 COUNTRY HILLS	09/07/22	01	SECURITY GUARANTEE REFUND	01-000-24-00-2415		5,000.00
					INVOICE TOTAL:		5,000.00 *
	2266 RICHMOND	09/07/22	01	SECURITY GUARANTEE REFUND	01-000-24-00-2415		5,000.00
					INVOICE TOTAL:		5,000.00 *
					CHECK TOTAL:		10,375.00
537364	R0002525 PRIME BATHS & HOME SOLUTIONS						
	197311	09/12/22	01	REFUND OVERPAYMENT FOR 2022	79-000-48-00-4843		250.00
			02	HTD EXHIBITOR BOOTTH	** COMMENT **		
					INVOICE TOTAL:		250.00 *
					CHECK TOTAL:		250.00
537365	RIETZR ROBERT L. RIETZ JR.						

01-110	ADMINISTRATION	01-112	SUNFLOWER ESTATES	25-225	PARK & REC CAPITAL	82-820	LIBRARY OPERATIONS
01-120	FINANCE	15-155	MOTOR FUEL TAX	42-420	DEBT SERVICE	84-840	LIBRARAY CAPITAL
01-210	POLICE	23-216	MUNICIPAL BUILDING	51-510	WATER OPERATIONS	87-870	COUNTRYSIDE TIF
01-220	COMMUNITY DEVELOPMENT	23-230	CITY-WIDE CAPITAL	52-520	SEWER OPERATIONS	88-880	DOWNTOWN TIF
01-410	STREETS OPERATION	24-216	BUILDING & GROUNDS	72-720	LAND CASH	89-890	DOWNTOWN TIF II
01-640	ADMINISTRATIVE SERVICES	25-205	POLICE CAPITAL	79-790	PARKS DEPARTMENT	90-XXX	DEVELOPER ESCROW
01-111	FOX HILL SSA	25-215	PUBLIC WORKS CAPITAL	79-795	RECREATION DEPARTMENT	950-XXX	ESCROW DEPOSIT

UNITED CITY OF YORKVILLE
CHECK REGISTER

INVOICES DUE ON/BEFORE 09/27/2022

CHECK #	VENDOR # / INVOICE #		INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	PROJECT CODE	ITEM AMT	
537365	RIETZR	ROBERT L. RIETZ JR.							
	082522		08/25/22	01	REFEREE	79-795-54-00-5462		160.00	
						INVOICE TOTAL:		160.00	*
	090822		09/08/22	01	REFEREE	79-795-54-00-5462		160.00	
						INVOICE TOTAL:		160.00	*
						CHECK TOTAL:		320.00	
D002663	RUNYONM	MARK RUNYON							
	AUG 27-SEPT 10		09/14/22	01	UMPIRE	79-795-54-00-5462		130.00	
						INVOICE TOTAL:		130.00	*
						DIRECT DEPOSIT TOTAL:		130.00	
537366	RUSHTRCK	RUSH TRUCK CENTER							
	3029019367		08/23/22	01	REPLACED BRAKES & SENSORS,	01-410-54-00-5490		6,154.59	
				02	REPLACED THERMISTERS	** COMMENT **			
						INVOICE TOTAL:		6,154.59	*
	3029097490		08/29/22	01	AC REPAIR	01-410-54-00-5490		697.00	
						INVOICE TOTAL:		697.00	*
						CHECK TOTAL:		6,851.59	
537367	SCHAFFNC	CARTER SCHAFFNER							
	AUG 27-SEPT 10		09/14/22	01	UMPIRE	79-795-54-00-5462		85.00	
						INVOICE TOTAL:		85.00	*
						CHECK TOTAL:		85.00	
537368	SISLERS	SISLER'S ICE, INC.							

01-110	ADMINISTRATION	01-112	SUNFLOWER ESTATES	25-225	PARK & REC CAPITAL	82-820	LIBRARY OPERATIONS
01-120	FINANCE	15-155	MOTOR FUEL TAX	42-420	DEBT SERVICE	84-840	LIBRARAY CAPITAL
01-210	POLICE	23-216	MUNICIPAL BUILDING	51-510	WATER OPERATIONS	87-870	COUNTRYSIDE TIF
01-220	COMMUNITY DEVELOPMENT	23-230	CITY-WIDE CAPITAL	52-520	SEWER OPERATIONS	88-880	DOWNTOWN TIF
01-410	STREETS OPERATION	24-216	BUILDING & GROUNDS	72-720	LAND CASH	89-890	DOWNTOWN TIF II
01-640	ADMINISTRATIVE SERVICES	25-205	POLICE CAPITAL	79-790	PARKS DEPARTMENT	90-XXX	DEVELOPER ESCROW
01-111	FOX HILL SSA	25-215	PUBLIC WORKS CAPITAL	79-795	RECREATION DEPARTMENT	950-XXX	ESCROW DEPOSIT

UNITED CITY OF YORKVILLE
CHECK REGISTER

INVOICES DUE ON/BEFORE 09/27/2022

CHECK #	VENDOR # / INVOICE #		INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	PROJECT CODE	ITEM AMT
537368	SISLERS	SISLER'S ICE, INC.						
	203004737		09/01/22	01	2022 HTD ICE	79-795-56-00-5602		587.50
						INVOICE TOTAL:		587.50 *
						CHECK TOTAL:		587.50
537369	SKYHAWKS	SKYHAWKS SPORTS ACADEMY, INC						
	40116		08/30/22	01	FLAG FOOTBALL INSTRUCTION	79-795-54-00-5462		759.50
						INVOICE TOTAL:		759.50 *
						CHECK TOTAL:		759.50
D002664	SLEEZERJ	JOHN SLEEZER						
	COSTCO -91222		09/12/22	01	REIMBURSEMENT FOR SHORTS	01-410-56-00-5600		84.95
						INVOICE TOTAL:		84.95 *
						DIRECT DEPOSIT TOTAL:		84.95
537370	SPRTFLD	SPORTSFIELDS, INC.						
	2022667		08/31/22	01	BASEBALL INFIELD MIX	79-790-56-00-5646		1,210.80
						INVOICE TOTAL:		1,210.80 *
						CHECK TOTAL:		1,210.80
537371	STRIKED	DEVYN STRIKE						
	AUG 27-SEPT 10		09/14/22	01	UMPIRE	79-795-54-00-5462		115.00
						INVOICE TOTAL:		115.00 *
						CHECK TOTAL:		115.00
537372	TRAFFIC	TRAFFIC CONTROL CORPORATION						

01-110	ADMINISTRATION	01-112	SUNFLOWER ESTATES	25-225	PARK & REC CAPITAL	82-820	LIBRARY OPERATIONS
01-120	FINANCE	15-155	MOTOR FUEL TAX	42-420	DEBT SERVICE	84-840	LIBRARAY CAPITAL
01-210	POLICE	23-216	MUNICIPAL BUILDING	51-510	WATER OPERATIONS	87-870	COUNTRYSIDE TIF
01-220	COMMUNITY DEVELOPMENT	23-230	CITY-WIDE CAPITAL	52-520	SEWER OPERATIONS	88-880	DOWNTOWN TIF
01-410	STREETS OPERATION	24-216	BUILDING & GROUNDS	72-720	LAND CASH	89-890	DOWNTOWN TIF II
01-640	ADMINISTRATIVE SERVICES	25-205	POLICE CAPITAL	79-790	PARKS DEPARTMENT	90-XXX	DEVELOPER ESCROW
01-111	FOX HILL SSA	25-215	PUBLIC WORKS CAPITAL	79-795	RECREATION DEPARTMENT	950-XXX	ESCROW DEPOSIT

UNITED CITY OF YORKVILLE
CHECK REGISTER

INVOICES DUE ON/BEFORE 09/27/2022

CHECK #	VENDOR # / INVOICE #		INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	PROJECT CODE	ITEM AMT	
537372	TRAFFIC	TRAFFIC CONTROL CORPORATION							
	138380		08/31/22	01	GREEN LIGHT LED & BRACKETS	01-410-54-00-5435		110.07	
						INVOICE TOTAL:		110.07	*
						CHECK TOTAL:		110.07	
537373	TRICO	TRICO MECHANICAL , INC							
	6799		08/17/22	01	LIBRARY HVAC REPAIR	24-216-54-00-5446		1,918.00	
						INVOICE TOTAL:		1,918.00	*
						CHECK TOTAL:		1,918.00	
537374	UMBBANK	UMB BANK							
	073122-STREBATE		09/15/22	01	MAY-JUL 2022 SALES TAX REBATE	01-640-54-00-5492		167,285.65	
						INVOICE TOTAL:		167,285.65	*
						CHECK TOTAL:		167,285.65	
537375	VICKERYJ	JUDE VICKERY							
	279818		09/06/22	01	WATER TOWER REPAIRS	51-510-54-00-5445		2,700.00	
						INVOICE TOTAL:		2,700.00	*
	279819		09/06/22	01	CONSTRUCTED NEW SCREEN PANELS	51-510-54-00-5445		1,250.00	
						INVOICE TOTAL:		1,250.00	*
						CHECK TOTAL:		3,950.00	
537376	VISUALIM	VISUAL IMAGING RESOURCES							
	6220		07/26/22	01	PROTEUS LITE SYSTEM & TRAINING	52-520-60-00-6060		64,458.30	
						INVOICE TOTAL:		64,458.30	*
						CHECK TOTAL:		64,458.30	

01-110	ADMINISTRATION	01-112	SUNFLOWER ESTATES	25-225	PARK & REC CAPITAL	82-820	LIBRARY OPERATIONS
01-120	FINANCE	15-155	MOTOR FUEL TAX	42-420	DEBT SERVICE	84-840	LIBRARAY CAPITAL
01-210	POLICE	23-216	MUNICIPAL BUILDING	51-510	WATER OPERATIONS	87-870	COUNTRYSIDE TIF
01-220	COMMUNITY DEVELOPMENT	23-230	CITY-WIDE CAPITAL	52-520	SEWER OPERATIONS	88-880	DOWNTOWN TIF
01-410	STREETS OPERATION	24-216	BUILDING & GROUNDS	72-720	LAND CASH	89-890	DOWNTOWN TIF II
01-640	ADMINISTRATIVE SERVICES	25-205	POLICE CAPITAL	79-790	PARKS DEPARTMENT	90-XXX	DEVELOPER ESCROW
01-111	FOX HILL SSA	25-215	PUBLIC WORKS CAPITAL	79-795	RECREATION DEPARTMENT	950-XXX	ESCROW DEPOSIT

UNITED CITY OF YORKVILLE
CHECK REGISTER

INVOICES DUE ON/BEFORE 09/27/2022

CHECK #	VENDOR # / INVOICE #		INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	PROJECT CODE	ITEM AMT	
537377	WALDEB	BRYAN WALDE							
	082722		08/27/22	01	REFEREE	79-795-54-00-5462		160.00	
						INVOICE TOTAL:		160.00	*
						CHECK TOTAL:		160.00	
537378	WALTJOSH	JOSH WALTERS							
	AUG 27-SEPT 10		09/14/22	01	UMPIRE	79-795-54-00-5462		130.00	
						INVOICE TOTAL:		130.00	*
						CHECK TOTAL:		130.00	
D002665	YBSD	YORKVILLE BRISTOL							
	22-AUG		09/15/22	01	AUG 2022 SANITARY FEES	95-000-24-00-2450		341,949.24	
						INVOICE TOTAL:		341,949.24	*
						DIRECT DEPOSIT TOTAL:		341,949.24	
537379	YORKACE	YORKVILLE ACE & RADIO SHACK							
	175992		08/25/22	01	E CLIPS	01-410-56-00-5620		0.92	
						INVOICE TOTAL:		0.92	*
	176019		08/31/22	01	CHAIN LOOP	01-410-56-00-5630		55.98	
						INVOICE TOTAL:		55.98	*
	176025		09/01/22	01	BOLT EYE W/NUT	01-410-56-00-5620		7.95	
						INVOICE TOTAL:		7.95	*
	176050		09/07/22	01	GRABBER TOOL, DOUBLE CLEVIS	01-410-56-00-5620		47.97	
						INVOICE TOTAL:		47.97	*
	176052		09/09/22	01	CHAIN LOOP	01-410-56-00-5630		74.97	
						INVOICE TOTAL:		74.97	*
						CHECK TOTAL:		187.79	

01-110	ADMINISTRATION	01-112	SUNFLOWER ESTATES	25-225	PARK & REC CAPITAL	82-820	LIBRARY OPERATIONS
01-120	FINANCE	15-155	MOTOR FUEL TAX	42-420	DEBT SERVICE	84-840	LIBRARAY CAPITAL
01-210	POLICE	23-216	MUNICIPAL BUILDING	51-510	WATER OPERATIONS	87-870	COUNTRYSIDE TIF
01-220	COMMUNITY DEVELOPMENT	23-230	CITY-WIDE CAPITAL	52-520	SEWER OPERATIONS	88-880	DOWNTOWN TIF
01-410	STREETS OPERATION	24-216	BUILDING & GROUNDS	72-720	LAND CASH	89-890	DOWNTOWN TIF II
01-640	ADMINISTRATIVE SERVICES	25-205	POLICE CAPITAL	79-790	PARKS DEPARTMENT	90-XXX	DEVELOPER ESCROW
01-111	FOX HILL SSA	25-215	PUBLIC WORKS CAPITAL	79-795	RECREATION DEPARTMENT	950-XXX	ESCROW DEPOSIT

UNITED CITY OF YORKVILLE
CHECK REGISTER

INVOICES DUE ON/BEFORE 09/27/2022

CHECK #	VENDOR # / INVOICE #	INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	PROJECT CODE	ITEM AMT	
537380	YOUNGM MARLYS J. YOUNG							
	081022-P&Z	08/29/22	01	08/10/22 P&Z MEETING	90-048-48-00-0011		28.33	
			02	MINUTES-WINDETT RIDGE	** COMMENT **			
			03	08/10/22 P&Z MEETING	90-188-00-00-0011		28.33	
			04	MINUTES-CALEDONIA PHASE 3	** COMMENT **			
			05	08/10/22 P&Z MEETING	90-189-00-00-0011		28.34	
			06	MINUTES-YORKVILLE SELF STORAGE	** COMMENT **			
						INVOICE TOTAL:	85.00	*
	081722-ADMIN	09/02/22	01	08/17/22 ADMIN MEETING MINUTES	01-110-54-00-5462		85.00	
						INVOICE TOTAL:	85.00	*
	081822-UDO	09/13/22	01	08/18/22 UDO MEETING MINUTES	01-110-54-00-5462		85.00	
						INVOICE TOTAL:	85.00	*
					CHECK TOTAL:			255.00

TOTAL CHECKS PAID:	1,821,312.55
TOTAL DIRECT DEPOSITS PAID:	351,804.19
TOTAL AMOUNT PAID:	2,173,116.74

01-110	ADMINISTRATION	01-112	SUNFLOWER ESTATES	25-225	PARK & REC CAPITAL	82-820	LIBRARY OPERATIONS
01-120	FINANCE	15-155	MOTOR FUEL TAX	42-420	DEBT SERVICE	84-840	LIBRARAY CAPITAL
01-210	POLICE	23-216	MUNICIPAL BUILDING	51-510	WATER OPERATIONS	87-870	COUNTRYSIDE TIF
01-220	COMMUNITY DEVELOPMENT	23-230	CITY-WIDE CAPITAL	52-520	SEWER OPERATIONS	88-880	DOWNTOWN TIF
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01-640	ADMINISTRATIVE SERVICES	25-205	POLICE CAPITAL	79-790	PARKS DEPARTMENT	90-XXX	DEVELOPER ESCROW
01-111	FOX HILL SSA	25-215	PUBLIC WORKS CAPITAL	79-795	RECREATION DEPARTMENT	950-XXX	ESCROW DEPOSIT

UNITED CITY OF YORKVILLE
PAYROLL SUMMARY
September 16, 2022

	REGULAR	OVERTIME	TOTAL	IMRF	FICA	TOTALS
MAYOR & LIQ. COM.	$ 908.34	$ -	$ 908.34	$ -	$ 69.49	$ 977.83
ALDERMAN	3,800.00	-	3,800.00	-	290.70	4,090.70
ADMINISTRATION	18,384.12	-	18,384.12	1,636.18	1,375.04	21,395.34
FINANCE	12,116.47	-	12,116.47	1,078.36	896.33	14,091.16
POLICE	126,702.61	9,386.63	136,089.24	563.37	10,094.26	146,746.87
COMMUNITY DEV.	27,844.08	-	27,844.08	2,478.13	2,066.64	32,388.85
STREETS	22,191.14	-	22,191.14	1,975.00	1,630.08	25,796.22
BUILDING & GROUNDS	2,249.94	-	2,249.94	200.24	172.12	2,622.30
WATER	19,959.24	153.83	20,113.07	1,790.07	1,466.60	23,369.74
SEWER	16,695.79	49.22	16,745.01	1,504.26	1,265.26	19,514.53
PARKS	29,991.25	3,040.34	33,031.59	2,586.31	2,460.05	38,077.95
RECREATION	23,160.04	-	23,160.04	1,730.58	1,722.94	26,613.56
LIBRARY	17,736.50	-	17,736.50	995.56	1,307.45	20,039.51
TOTALS	$ 321,739.52	$ 12,630.02	$ 334,369.54	$ 16,538.06	$ 24,816.96	$ 375,724.56

TOTAL PAYROLL **$ 375,724.56**

UNITED CITY OF YORKVILLE

BILL LIST SUMMARY

Tuesday, September 27, 2022

ACCOUNTS PAYABLE	**DATE**		
Clerk's Check #131204 Kendall County Recorder *(Page 1)*	09/02/2022	$	67.00
City Check Register - FY 23 *(Pages 2 - 32)*	09/27/2022		2,173,116.74
SUB-TOTAL:		**$**	**2,173,183.74**
PAYROLL			
Bi - Weekly *(Page 33)*	09/16/2022	$	375,724.56
SUB-TOTAL:		**$**	**375,724.56**
TOTAL DISBURSEMENTS:		**$**	**2,548,908.30**

Reviewed By:	
Legal	☐
Finance	■
Engineer	☐
City Administrator	■
Community Development	☐
Purchasing	☐
Police	☐
Public Works	■
Parks and Recreation	☐

Agenda Item Number

Mayor's Report #1

Tracking Number

CC 2022-39

Agenda Item Summary Memo

Title: Truck Purchase

Meeting and Date: City Council – September 27, 2022

Synopsis: Proposed purchase of single axle dump truck for delivery in FY 24

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Supermajority (6 out of 9)

Council Action Requested: Approval

Submitted by: Eric Dhuse (Name) Public Works (Department)

Agenda Item Notes:

Have a question or comment about this agenda item?
Call us Monday-Friday, 8:00am to 4:30pm at 630-553-4350, email us at agendas@yorkville.il.us, post at www.facebook.com/CityofYorkville, tweet us at @CityofYorkville, and/or contact any of your elected officials at http://www.yorkville.il.us/320/City-Council

Memorandum

To: Public Works Committee
From: Eric Dhuse, Director of Public Works
CC: Bart Olson, City Administrator
Date: September 13, 2022
Subject: Truck Purchase

Summary

Staff is proposing the purchase of a single axle dump truck that has been budgeted in the approved FY 23 budget. In addition, there will be an update on all vehicle and equipment purchases since FY 21.

Background

As we all know, the supply chain issues have made it next to impossible for us to get large trucks. I have attached a spreadsheet that shows just how long we have been waiting for some vehicles and equipment to arrive. One vehicle of note was a single axle dump truck that was approved by city council and ordered in November of 2021. We are now being told that the truck will not even be built until April of 2023 with a delivery to the body builder by July of 2023 which means we should have it for the winter of 2023 a full 2 years after ordering.

At this time, we have a chance to order a 2024 Mack single axle truck fully outfitted for snow with a Delivery date of September of 2023. However, there is a drawback which is the price. The quoted price is $285,970 which is approximately $60,000 over our last truck we ordered.

The $60,000 is a big difference, there is no getting around it. But, at this time, Peterbilt and Kenworth will not give you build dates, let alone a delivery date or firm pricing. Finding any type of new truck these days is tough, and I am sure it comes with a premium price. Currently, we have $240,000 budgeted for this purchase. This leaves a ~$46,000 difference from the budgeted amount to the quoted price. Since this will not be ready for delivery until FY 24, we can roll the $240,000 forward and add ~$46,000 to make sure and cover the cost as quoted.

This truck is sorely needed in our fleet. We have not added a truck to the fleet without trading one in since 2008. In that time, we have added roads in many subdivisions such as Raintree, Grande Reserve, Kendallwood, Caledonia, and we will soon add roads in Bristol Bay. Having another large dump truck will certainly expedite the plowing process and allow us to become more efficient.

Recommendation

I recommend purchasing the proposed single axle dump truck as quoted from Lindco Equipment Sales of Merrillville, Indiana at a price not to exceed $285,970 and to account for this purchase in the FY 24 budget. This is a Sourcewell contract price, there was no RFP or competitive bidding. Therefore, an affirmative supermajority vote will be needed to approve this purchase.

PW Captial Worksheet FY 23 and FY 24

Equipment	Price	FY 23	Will Posess in FY23	Balance	Deferred to FY 24	Notes
		$1,226,414				
Carried from FY 22						
Single Axle Dump Truck	$223,513				$223,513	Truck will not be built until April of 23. Delivery in Sept 23
Bucket Truck	$230,658				$230,658	Supposed to be done in May of 23
Wheel Loader	$173,140	$167,530		$1,058,884		
One Ton Dump	$65,174		$65,174	$993,710		Ordered 11/9/21 due to arrive 10/1/22
One Ton Dump	$65,174		$65,174	$928,536		Ordered 11/9/21 due to arrive 10/1/22
FY 23						
Sealcoat Machine	$60,000		$60,000	$868,536		Will order this winter to be ready for summer 2023
Striping Machine	$8,000		$8,000	$860,536		
Grapple Bucket	$15,000				$15,000	Push to 24 to be able to purchase truck bed and spreader
UTV	$15,000	$12,000				
Ditch Mowing Tractor	$95,000	$59,326				
2 snow plows for parks	$16,000		$16,000	$844,536		Will order ASAP since trucks are coming in.
Parks Gator	$9,000	$9,000				PW bought the trade in tractor for $9000
Flatbed for Sweeper	$15,000				$15,000	Push to next year, still deciding the best use
Brine Rig	$25,000				$25,000	Push to next year, still deciding the best use
Snow plow for sewer truck	$8,000		$8,000	$836,536		Will buy when we order truck
Leaf Vac	$110,000				$110,000	Will order in winter to be ready for fall of 23 FY 24
Director Truck	$23,000		$23,000	$813,536		Will order
Building and Grounds Truck	$55,000		$55,000	$758,536		Will Order
Single Axle Dump	$240,000				$240,000	Will order this year, but will not be ready until FY 24
			TOTAL DEFERRED		**$859,171**	
Water Department						
Pickup Truck	$43,561		$43,561			Ordered 11/9/21 Delivery by 11/1/22
Pickup Truck	$43,561		$43,561			Ordered 11/9/21 Delivery by 11/1/22
Transit Van			$40,000			Meter install vehicle. Will order when available
Transit Van			$40,000			Locator vehicle. Will order when available
Director Truck 1/3			$17,000			Will Order
Bucket Truck	$100,000				$100,000	carry forward to pay for bucket truck
Pickup Truck			$56,000			Will Order
Director Truck 1/3			$17,000			Will Order

CUSTOMER PROPOSAL



PREPARED FOR

DATE

8/8/2022

PREPARED BY

M & K TRUCK CENTER OF GARY, LLC
3001 E 15TH PL
GARY
IN 46403-3679

QUOTE INFORMATION

MEYE2022000122D496
MD7 42R
Qty: 1



TECHNICAL SPECIFICATION

MD7 42R

	CUSTOMER/VEHICLE INFO	DESCRIPTION
S	CHASSIS (BASE MODEL)	MD742 - 42R MEDIUM DUTY, CLASS 7 w/ 6.7L, (MAX 33,000lbs GVWR)
S	ASSEMBLY PLANT	FACTORY USA (RV, MACK)
	VEHICLE USE & BODY/TRAILER TYPE	DUMP TRUCK
	VEHICLE VOCATION	CONSTRUCTION SERVICE
S	CUSTOMER FLEET SIZE	DEALER FLEET WITH LESS THAN 25 VEHICLES IN OWN FLEET OF ANY VEHICLE BRAND
	TYPE OF SERVICE	MUNICIPAL
S	WARRANTY REGISTRATION LOCATION	USA - WARRANTY REGISTRATION LOCATION
	EMISSION WARRANTY CERTIFICATION	EPA (only) Cummins Diesel
S	INITIAL REGISTRATION LOCATION	USA REGISTRATION
S	LANGUAGE-PUBS/DECAL/SIGNS	ENGLISH
S	TERRAIN GRADE	CITY, STARTING GRADES<6%
S	LOADING SURFACE	ASPHALT LOADING AND / OR UNLOADING SURFACE
	OPERATING CLASS	OPERATING CLASS 6

	ENGINE & TRANSMISSION	DESCRIPTION
	ENGINE / MOTOR	ISB6.7-300 DIESEL CUMMINS 300HP @ 2600RPM (GOV) 660 LB-FT, US21
	TRANSMISSION	2500 RDS 6 SP-ALLISON RUGGED DUTY SERIES GEN 6 (WITH PTO PROVISIONS)
S	FUELSENSE CALIBRATION	ALLISON FUELSENSE, NEUTRAL AT STOP
S	TRANSM AUTO NEUTRAL ON P-BRAKE	AUTO NEUTRAL SINGLE INPUT WITH SHIFT SELECTOR OVERRIDE

	ENGINE & TRANSMISSION EQUIPMENT	DESCRIPTION
	ENGINE BRAKE TYPE	ENGINE BRAKE
	CRUISE CONTROL	CRUISE CONTROL
S	ALTERNATOR	DELCO 12V 160A (28SI) BRUSH-TYPE
	BATTERY DISCONNECT SWITCH	BATTERY DISCONNECT SWITCH
S	STARTER MOTOR	12 VOLT MELCO STARTER (MITSUBISHI ELECTRIC)
	ENGINE BLOCK HEATER	120 VOLT / 0.75 KW, ENGINE BLOCK HEATER
S	POWER TAKE OFF CONTROL	WITHOUT POWER TAKE OFF CONTROL

	AXLE & SUSPENSION	DESCRIPTION
S	FRONT AXLE	12,000LB MERITOR MFS+ 5400 KG
S	SPRINGS - FRONT	MACK TAPERLEAF 12300# (5500 KG) GROUND LOAD RATING
S	FRONT AXLE BRAKES	MERITOR "S" CAM TYPE 16.5" x 5" Q+
	REAR AXLE - SINGLE	21000# (9525 kg) MERITOR MS-21-14X, (W/ DIFF LOCK) CASING 11.0mm
S	REAR SUSPENSION - SINGLE	21000# (9525kg) MULTILEAF
	SUSPENSION LEVELLING DEVICE (CA in PC29 only)	WITHOUT SUSPENSION LEVELLING DEVICE
S	BRAKES - REAR	MERITOR "S" CAM 16.5"x7" Q+
S	REAR AXLE RATIO	RATIO 5.57, REAR AXLE

	CHASSIS EQUIPMENT	DESCRIPTION
S	IDLE EMISSION CERTIFICATION	IDLE EMISSION CERTIFICATION, CARB 08
	DPF DIESEL PARTICULATE FILTER	CUMMINS SINGLE MODULE E.A.T.S. RH SIDE UNDER CAB US17 (7L over 271HP only!!)
S	EXHAUST	UNDERFRAME RIGHT SIDE INBOARD MOUNTED (Diesel engines only)

TECHNICAL SPECIFICATION *(cont.)*

	FRAME EQUIPMENT & FUEL TANKS	DESCRIPTION
	WHEELBASE	150" Wheelbase (87" CA) 50" After-frame
S	FRAME RAILS	STEEL - 260MM X 70MM X 8MM -- (10.24" X 2.75" X 0.31"); RBM 1,580,000 LB-IN
S	PRIMARY FUEL FILTER	FUEL FILTER & WATER SEPARATOR (Diesel engines only)
S	FUEL TANK - LH	50 GALLON (190 L) 22" ALUMINUM ROUND

	CAB INTERIOR	DESCRIPTION
S	SPEEDOMETER -&- GAUGES - UNIT(s) OF MEASURE	U.S. UNITS (PREDOMINANT)
	BACK-UP ALARM	BACK-UP ALARM
S	AIR RESTRICTION INDICATOR	MECHANICAL, GRADUATED, ON FILTER
S	DAYTIME RUNNING LIGHTS	DRL WHEN ENGINE RUNNING & PARK BRAKE OFF
S	FIRE EXTINGUISHER	HAND FIRE EXTINGUISHER 1.1 KG (2.5LB) ENGLISH DECAL, ABC
S	AUDIO SYSTEM	RADIO, AM/FM, MP3, WEATHER BAND
S	AUDIO INTEGRAT. PHONE HANDSFRE	AUDIO INTEGRATED HANDSFREE PHONE, BLUETOOTH
S	AUDIO COMMUNICATION CONNECTOR	AUDIO COMMUNICATION CONNECTOR, USB AUDIO
S	COMMUNICATION EQUIPMENT	FACTORY INSTALLED GEOTAB FLEET MANAGEMENT SYSTEM
S	DRIVER SEAT	MACK DRIVERS SEAT, AIR SUSPENDED
	DRIVERS SEAT UPHOLSTERY	DRIVERS SEAT UPHOLSTERY, MORDURA
	PASSENGER SEAT	FIXED BENCH SEAT SUPPORT, INTEGRATED STORAGE BOX
	PASSENGERS SEAT UPHOLSTRY	PASSENGERS SEAT UPHOLSTERY, MORDURA
	SEAT BELT(S)	ALL SEAT BELTS, ORANGE

	CAB EXTERIOR	DESCRIPTION
S	HOOD RADIATOR GRILLE, FINISH	HOOD RADIATOR GRILLE FINISH, MATTE BLACK
S	FRONT BUMPER FINISH	FRONT BUMPER FINISH PAINTED GLOSS BLACK
	MIRRORS - EXTERIOR	HEATED AND MOTORIZED MIRRORS BOTH SIDES, BLACK (Anthem mirror)

	WHEELS & TIRES	DESCRIPTION
	TIRES BRAND/TYPE - FRONT	11R22.5 H BRIDGESTONE R268 ECOPIA (13220 lbs) (Total for QTY = 2)
	WHEELS - FRONT	22.5x8.25 ACCURIDE, POWDER COATED WHITE STEEL DISC (Total for QTY = 2)
	FRONT AXLE TIRE & WHEEL QUANTITY	TWO FRONT TIRES & WHEELS
	TIRES BRAND/TYPE - REAR	11R22.5 G BRIDGESTONE M760 ECOPIA (23360 lbs) (DRIVE ONLY) (Total for QTY = 4)
	WHEELS - REAR	22.5x8.25 ACCURIDE, POWDER COATED WHITE STEEL DISC (Total for QTY = 4)
	REAR AXLE TIRE & WHEEL QUANTITY	FOUR REAR AXLE TIRES & WHEELS

	PAINT	DESCRIPTION
S	PAINT COLOR - FIRST COLOR	GLACIER WHITE; P3029

	BASE WARRANTY & PURCHASED COVERAGES	DESCRIPTION
S	ENGINE TOWING WARRANTY	CUMMINS ENGINES (Contact Cummins for Standard Warranty and Extended Coverage Details)
S	MACK ONECALL BUNDLE	12 MONTH - ASIST AND MACK ONECALL
S	VEHICLE WARRANTY TYPE	NORMAL DUTY WARRANTY CLASSIFICATION
S	BASIC CHASSIS COVERAGE	CHASSIS PLAN 24 MO/UNLIMITED MI NORMAL DUTY PROTECTION PLAN
S	ENGINE WARRANTY	CUMMINS ENGINES B6.7 (Contact Cummins for Standard Warranty and Extended Coverage Details)

TECHNICAL SPECIFICATION *(cont.)*

BASE WARRANTY & PURCHASED COVERAGES		DESCRIPTION
S	EMISSION COMPONENT COVERAGE	CUMMINS ENGINES (Contact Cummins for Standard Warranty and Extended Coverage Details)
S	TRANSMISSION WARRANTY	ALLISON TRANSMISSIONS (Contact Allison Transmission for standard warranty and extended coverage data
S	AIR CONDITIONING WARRANTY	AIR CONDITIONING STANDARD COVERAGE (Sealed System Only) 24 MONTHS UNLIMITED MILEAGE
S	CHASSIS TOWING WARRANTY	STANDARD CHASSIS TOWING 90 DAYS OR 5,000 MILES
S	PARTNERED SERVICES	GEOTAB FOR MACK TRUCKS - 12 MONTH

ADDITIONAL OPTIONS (Non Approved)		DESCRIPTION
CA	TRANSMISSION	3000 RDS 6 SPEED ALLISON GEN6 W/PROGNOSTICS, WITH PTO PROVISION

ADDITIONAL ENGINEERING (Non Approved)	DESCRIPTION
CA	

PRICING SUMMARY

MD7 42R

VEHICLE PRICE

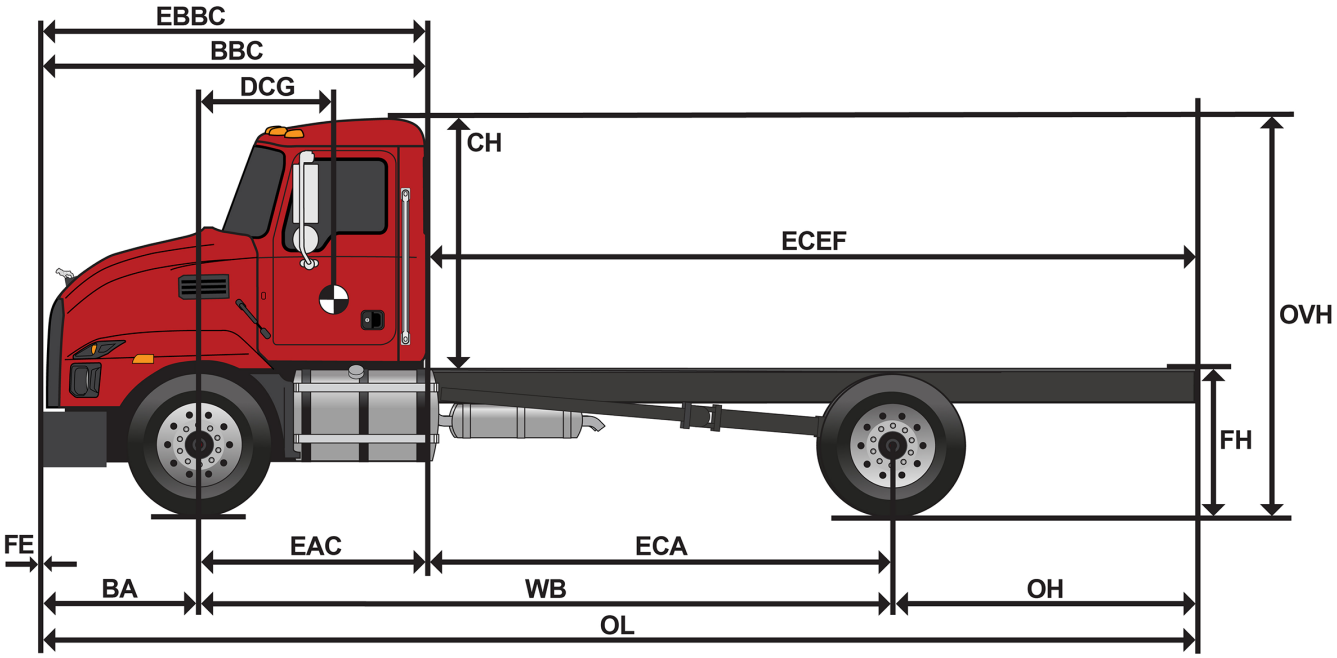
$101,479.00

TAX SUMMARY	AMT. SUBJECT TO TAX	
FET	$101,479.00	$0.00
Tire Tax Credit	N/A	$0.00
TOTAL TAX		**$0.00**
TOTAL SELLING PRICE (PER UNIT) USD		**$101,479.00**

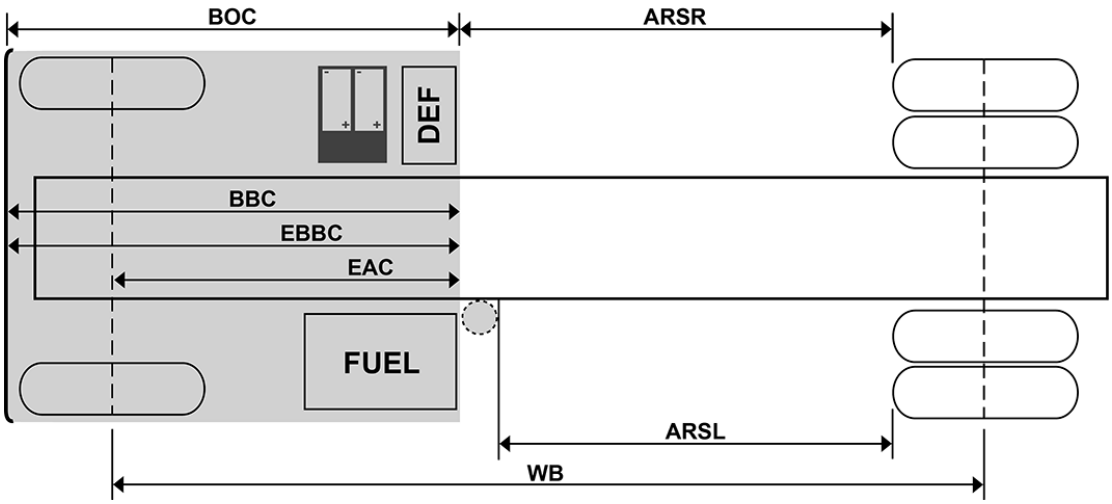
DATE

M & K TRUCK CENTER OF GARY, LLC DATE

VEHICLE SPECIFICATION/CALCULATED PERFORMANCE SUMMARY				
Description	Sales Code	Dwg Ref	Length	UOM
Front Frame Extension	N/A	FE	0.0	INCHES
Bumper to Front Axle	N/A	BA	40.0	INCHES
Wheelbase	N/A	WB	150.2	INCHES
Rear Overhang	N/A	OH	50.0	INCHES
Overall Length	N/A	OL	240.2	INCHES
Bumper to Back of Cab	N/A	BBC	103.0	INCHES
Eff. Bumper to Back of Cab	N/A	EBBC	103.0	INCHES
Eff. Cab to Rear Axle	N/A	ECA	87.2	INCHES
Eff. Front Axle to Back of Cab	N/A	EAC	63.0	INCHES
Eff. Cab to End of Frame	N/A	ECEF	137.2	INCHES
Unladen 5th Wheel Height	001AA3	5W	0.0	INCHES
Unladen Frame Height	N/A	FH	40.9	INCHES
Cab Height	N/A	CH	69.1	INCHES
Overall Height	N/A	OVH	110.0	INCHES
Driver CG	N/A	DCG	59.1	INCHES
Second Front Axle Spacing	001AA3	SFAS	0.0	INCHES

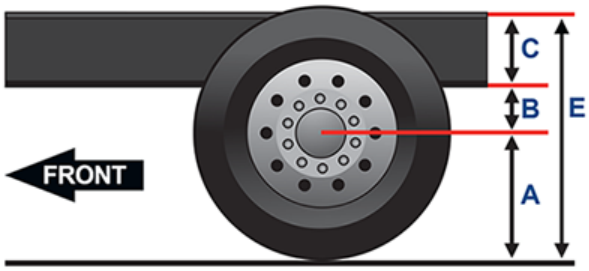


VEHICLE SPECIFICATION/CALCULATED PERFORMANCE SUMMARY				
Description	Sales Code	Dwg Ref	Left Value(in)	Right Value(in)
Wheelbase	N/A	WB	150.2	150.2
Available Rail Space Right	N/A	ARSR	N/A	68.1
Available Rail Space Left	N/A	ARSL	58.1	N/A
Eff. Front Axle to Back of Cab	N/A	REF	63.0	63.0
Front Axle To Fender	001AA3	N/A	30.0	30.0
Battery Box	001AA3	N/A	0.0	25.0
50 GALLON (190 L) 22" ALUMINUM ROUND / TRUCK	288AC2 / 001AA3	N/A	41.0	0.0
Ad-Blue Tank	001AA3	N/A	0.0	6.0
Drive Tire Radius	901090	N/A	21.1	21.1



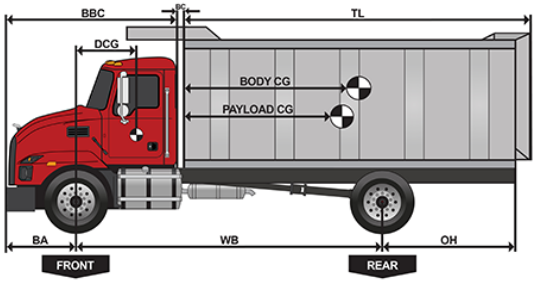
Top View image is intended for illustration purposes only and is not presented to scale. Wheelbase, Axle Spacing and After frame are not shown as specified, but are a representation. Customer Adaptation (CA) options and relocated components are not represented in these images. Most CA options impact the variation of the image, thus an image may not populate. Calculations are approximate to a tolerance of ± 4 inches due to component mounting variation. Certain chassis component options are NOT represented in the Top View image, such as, but not exclusive to, Front Frame Extensions, Fuel Water Separators, Air Dryers, PTOs, Fifth Wheels, Chassis Fairings, Toolboxes, Trailer Connections. For further information on these items and their respective locations on your specification, please refer to the data sheets associated with those items in the configurator.

VEHICLE SPECIFICATION/CALCULATED PERFORMANCE SUMMARY					
			Rear		
Description	Sales Code	Dwg Ref	Unladen	Laden	UOM
Requested Fifth Wheel Height	001AA3		0.0	0.0	INCHES
Tire Radius	901090	A	21.1	19.6	INCHES
Suspension Height	260AA5	B	9.5	8.0	INCHES
Frame Depth	YBXD1X	C	10.2	10.2	INCHES
Closest Available Fifth Wheel Leg Height	N/A	D	0.0	0.0	INCHES
Total Height	N/A	E	40.9	37.8	INCHES



Inputs Required	Inputs	UOM
Driver Weight	201	LB
Total Body Length	16.4	FEET
Body Tare Weight	3501	LB
Front of Body to Body CG	96.0	INCHES
Additional Clearance from Back of Exhaust to Front of Body	6.0	INCHES

VEHICLE SPECIFICATION SUMMARY				
Description	Description	Dwg Ref	Length	UOM
Bumper to Front Axle	N/A	BA	40.0	INCHES
Wheelbase	N/A	WB	150.2	INCHES
Rear Overhang	N/A	OH	50.0	INCHES
Bumper to Back of Cab	N/A	BBC	103.0	INCHES
BOC Exhaust Space	130AA9	N/A	0.0	INCHES
Driver CG from Front Axle	N/A	DCG	59.1	INCHES
First Pusher Axle Spacing			0.0	INCHES



CALCULATED PERFORMANCE SUMMARY				
Tare Weights	Front Axle	Rear Axle (s)	Total	UOM
Chassis	6222	3592	9813	LB
Driver	122	79	201	LB
Fuel	302	40	342	LB
Body/Trailer	-346	3848	3501	LB
Total Tare	6299	7558	13857	LB
Payloads				
First Body Payload	-1200	13340	12139	LB
Total - Lift Axles Down	5099	20897	25995	LB
GAWR	12000	13996	25995	LB

VEHICLE SPECIFICATION/CALCULATED PERFORMANCE SUMMARY				
Sub-Category	Sales Code	Sales Code Description	Value	UOM
Front Axle	2400S0	12,000LB MERITOR MFS+ 5400 KG	12000	LB
Front Suspension	2440C4	MACK TAPERLEAF 12300# (5500 KG) GROUND LOAD RATING	12000	LB
Front Tires	900AT0	11R22.5 H BRIDGESTONE R268 ECOPIA (13220 lbs)	13220	LB
Front Wheels	5310Y1	22.5x8.25 ACCURIDE, POWDER COATED WHITE STEEL DISC	14800	LB
		Front GAWR	12000	LB
Rear Axle	2520O2	21000# (9525 kg) MERITOR MS-21-14X, (W/ DIFF LOCK) CASING 11.0mm	21000	LB
Rear Suspension	260AA5	21000# (9525kg) MULTILEAF	21000	LB
Rear Tires	901090	11R22.5 G BRIDGESTONE M760 ECOPIA (23360 lbs) (DRIVE ONLY)	23369	LB
Rear Wheels	346176	22.5x8.25 ACCURIDE, POWDER COATED WHITE STEEL DISC	29600	LB
		Rear GAWR	21000	LB
		Truck GVWR	25995	LB
		Gross Combination Weight Rating	0	LB
		Tax Value GVWR (USA FET Only)	33000	LB



Mack Trucks
www.macktrucks.com



MACK®

MACK MD

Two (2) Units will be Currently Available for Delivery September 2023 to Your Location with Complete Snow & Ice Equipment Package

2023 Mack MD7 42R Chassis

- 33,000 GVWR
- ISB6.7-300 Cummins 300 HP
- 3000 RDS 6 Speed Allison with PTO provision
- Air brakes
- Engine Brake
- 12,000LB Meritor Front Axle
- 12,300 Mack Taperleaf front springs
- 21,000LB Meritor Rear Axle with Diff Lock
- 21,000LB Multileaf rear suspension
- 150” Wheelbase with 87” Cab to Axle
- Horizontal Muffler and Exhaust on Curbside
- Driver Air Suspension Seat with Fixed Passenger Seat
- Heated and Motorized Mirrors
- 11R22.5 H Bridgestone Front Tires
- 11R22.5 G Bridgestone Rear Tires

Viking-Cives Equipment

- Viking-Cives 10’ 6-8 Yard 3/16” Stainless Steel Dump Body with 1/4” Hardox Floor
- Enclosed 1/2 Cab Shield with Six (6) Strobes in Front, One (1) Strobe in Each Side, Four (4) Strobes & One (1) Set of S/T/T/Back Up Lights in Rear
- Fold Under Ladder with Grab Handles on Driver Side
- Two (2) Strobes & One (1) Set of S/T/T/Back Up Lights in Each Rear Corner Post
- Spreader Light on Driver Side Under Body
- Poly 1/2 Fenders in Front of Rear Wheel & Swinging Removable Mud Flaps Behind Rear Wheels
- Certified Power or Force America Central Hydraulics with Stainless Steel Reservoir/Valve Enclosure, Wescon Single Axle Control with Lock for Hoist, Wescon Dual Axis Control for Snowplow and Freedom 2.1 or CS5100 Spreader Control
- SnoBare 10’ Wide x 40” High Poly Trip Edge Snow Plow with SQH Quick Hitch, Defelctor, Plow Markers and hood Mounted LED Heated Plow Lights

CONTACT US ON A TOTAL PACKAGE PRICE

LINDCO Equipment Sales
DIVISION OF VIKING-CIVES GROUP

Sourcewell
Awarded Contract



MACK GRANITE

Two (2) Units will be Currently Available for Delivery September 2023 to Your Location with Complete Snow & Ice Equipment Package

2023 Mack Granite 42FR Chassis

- 41,360 GVWR
- MP7-355C Mack 355HP
- 3000 RDS 6 Speed Allison with PTO provision
- Air brakes
- Engine Brake
- 18,000LB Mack FXL18 Front Axle
- 18,000LB Mack Taperleaf front springs
- 26,000LB Meritor Rear Axle with Single Reduction
- 26,000LB Multileaf rear suspension with Helper
- 180” Wheelbase with 92” Cab to Axle
- Horizontal Muffler and Vertical Exhaust on Curbside
- Driver Air Suspension Seat with Fixed Passenger Seat
- Heated and Motorized Mirrors
- 315/80R22.5 L Bridgestone M870 (20,000LB) Front Tires
- 11R22.5 G Bridgestone M770 (23,360LB) Rear Tires

Viking-Cives Equipment

- Viking-Cives 11’ 6-8 Yard 3/16” Stainless Steel Dump Body with 1/4” Hardox Floor
- Enclosed 1/2 Cab Shield with Six (6) Strobes in Front, One (1) Strobe in Each Side, Four (4) Strobes & One (1) Set of S/T/T/Back Up Lights in Rear
- Fold Under Ladder with Grab Handles on Driver Side
- Two (2) Strobes & One (1) Set of S/T/T/Back Up Lights in Each Rear Corner Post
- Spreader Light on Driver Side Under Body
- Poly 1/2 Fenders in Front of Rear Wheel & Swinging Removable Mud Flaps Behind Rear Wheels
- Certified Power or Force America Central Hydraulics with Stainless Steel Reservoir/Valve Enclosure, Wescon Single Axle Control with Lock for Hoist, Wescon Dual Axis Control for Snowplow and Freedom 2.1 or CS5100 Spreader Control
- Various Snowplows and Spreaders Available

CONTACT US ON A TOTAL PACKAGE PRICE

LINDCO Equipment Sales
DIVISION OF VIKING-CIVES GROUP

Sourcewell
Awarded Contract



MACK®

GRANITE

One (1) Unit will be Currently Available for Delivery June 2023 to Your Location with Complete Snow & Ice Equipment Package

2023 Mack Granite 64FR Chassis

- 64,000 GVWR
- MP7-425C Mack 425HP
- 4500 RDS 6 Speed Allison with PTO provision
- Air brakes
- Engine Brake
- 20,000LB Mack FXL20 Front Axle
- 20,000LB Mack Taperleaf front springs
- 44,000LB Mack S440 Rear Axle
- 46,000LB Mack AL-461 Air Suspension
- 207.5” Wheelbase with 120” Cab to Axle
- Horizontal Muffler and Vertical Exhaust on Curbside
- Driver Air Suspension Seat with Fixed Passenger Seat
- Heated and Motorized Mirrors
- 315/80R22.5 L Bridgestone M870 (20,000LB) Front Tires
- 11R22.5 G Bridgestone M770 (23,360LB) Rear Tires

Viking-Cives Equipment

- Viking-Cives 14’ 10-12 Yard 3/16” Stainless Steel Dump Body with 1/4” Hardox Floor
- Enclosed 1/2 Cab Shield with Six (6) Strobes in Front, One (1) Strobe in Each Side, Four (4) Strobes & One (1) Set of S/T/T/Back Up Lights in Rear
- Fold Under Ladder with Grab Handles on Driver Side
- Two (2) Strobes & One (1) Set of S/T/T/Back Up Lights in Each Rear Corner Post
- Spreader Light on Driver Side Under Body
- Poly Full Fenders in Front of Rear Wheel & Swinging Removable Mud Flaps Behind Rear Wheels
- Certified Power or Force America Central Hydraulics with Stainless Steel Reservoir/Valve Enclosure, Wescon Single Axle Control with Lock for Hoist, Wescon Dual Axis Control for Snowplow and Freedom 2.1 or CS5100 Spreader Control
- Various Snowplows and Spreaders available

CONTACT US ON A TOTAL PACKAGE PRICE

LINDCO Equipment Sales
DIVISION OF VIKING-CIVES GROUP

Sourcewell
Awarded Contract

LINDCO Equipment Sales
DIVISION OF VIKING-CIVES GROUP

2168 East 88th Drive
Merrillville, Indiana 46410

Voice: (219)795-1448
Fax: (219)736-0892

Sourcewell Formerly NJPA Awarded Contract

QUOTATION

Quote Number: 220839
Quote Date: Aug 29, 2022
Page: 1

Viking-Cives #080818-VCM

Quoted To:

City of Yorkville
610 Tower Lane
Yorkville, IL 60560
USA

TERMS & CONDITIONS OF QUOTE

> Quotes are only valid for 30 days from date of quote.
> Quotes past 30 days must be requoted.
> 25% restocking fee on all cancelled and returned orders.

Customer ID	Good Thru	Payment Terms	Sales Rep
Yorkville-01	9/28/22	Net 30 Days	30970

Quantity	Item	Description	Unit Price	Amount
		_____ SOURCEWELL CONTRACT PURCHASE: _____ CONTRACT HOLDER: Viking-Cives CONTRACT NUMBER: 080818-VCM CONTRACT MATURITY DATE: 10/29/2022 CONTRACT ITEM NUMBERS: SWH-TK0554, SW-TK0115, SW-SP0415, SW-SR0400, SW-SR0425, SW-CEO125, NJ2500 _____ MUNICIPALITY: _____ SOURCEWELL MEMBER NUMBER: 99259 MUNICIPALITY: City of Yorkville DEPARTMENT: Street Department CONTACT: John Sleezer TITLE: Street Department Foreman PHONE: 630-553-4370 EMAIL: jsleezer@yorkville.il.us _____ QUOTE SUMMARY: _____ NUMBER OF UNITS: One DESCRIPTION: Snow & Ice control		
			Subtotal	Continued
			Sales Tax	Continued
			TOTAL	**Continued**

25% Restock Fee on All Cancelled and Returned Orders

LINDCO Equipment Sales
DIVISION OF VIKING-CIVES GROUP
2168 East 88th Drive
Merrillville, Indiana 46410

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QUOTATION

Quote Number: 220839
Quote Date: Aug 29, 2022
Page: 2

Viking-Cives #080818-VCM

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Customer ID	Good Thru	Payment Terms	Sales Rep
Yorkville-01	9/28/22	Net 30 Days	30970

Quantity	Item	Description	Unit Price	Amount
1.00		equipment installed on 2024 Mack Single Axle _____ EQUIPMENT DELIVERY TIME FRAME: _____ * Allow approximately 240 days for chassis to be in stock at Lindco after receiving your purchase order. * Allow approximately 240 days for all equipment to be in stock at Lindco after receiving your purchase order. * Allow 60-90 days to complete unit, once all equipment and the chassis is at Lindco. _____ PER UNIT PACKAGE PRICE: _____ ** Price for all the below quoted equipment, fully installed. ** Package price does not include the below options A and B. ** Price does not include pick up of chassis or delivery of completed unit. _____ EQUIPMENT WARRANTY: _____ * All equipment has a 12 month warranty on	285,970.00	285,970.00

Subtotal	Continued
Sales Tax	Continued
TOTAL	**Continued**

25% Restock Fee on All Cancelled and Returned Orders

LINDCO Equipment Sales
DIVISION OF VIKING-CIVES GROUP
2168 East 88th Drive
Merrillville, Indiana 46410

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Sourcewell Formerly NJPA Awarded Contract

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Customer ID	Good Thru	Payment Terms	Sales Rep
Yorkville-01	9/28/22	Net 30 Days	30970

Quantity	Item	Description	Unit Price	Amount
		parts and labor. _____ CHASSIS: _____		
1.00		2024 Mack Granite 42FR * See attached specs _____ DUMP BODY: _____		
1.00	VCM102838SS-LES	Viking 10' Dump Body; 3/16" stainless steel sides/ends, internal doghouse, 28" H sides/38" H tailgate, 1/4" AR450 floor, enclosed 1/2 cab shield w/8 ovals DIMENSIONS: * 10' long * 24" high sides * 30" high tailgate * 86" wide I.D. * 96" wide O.D. * 60" high front wall MATERIAL: * 7 gauge, "201 2B stainless steel" sides, front wall and tailgate * 10" tall x 1/4" "201 2B" stainless steel long sills * 1/4" AR450 floor		

Subtotal	Continued
Sales Tax	Continued
TOTAL	**Continued**

25% Restock Fee on All Cancelled and Returned Orders

LINDCO Equipment Sales
DIVISION OF VIKING-CIVES GROUP

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Merrillville, Indiana 46410

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Quote Date: Aug 29, 2022

Viking-Cives #080818-VCM

Quoted To:

City of Yorkville
610 Tower Lane
Yorkville, IL 60560
USA

TERMS & CONDITIONS OF QUOTE

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Customer ID	Good Thru	Payment Terms	Sales Rep
Yorkville-01	9/28/22	Net 30 Days	30970

Quantity	Item	Description	Unit Price	Amount
		FRONT WALL: * Internal 13.5" deep x 15.25" wide doghouse SIDES: * One piece side that incorporates the top rail, sides & sloping side rail with rub rail (no welded pieces) * Dirt shedding boxed top rail is 1" x 4" 50 degree sloped down x 3" flat x 5" 50 degree sloped down toward side * 6.5" 45 degree sloping side rail with 3" rub rail * No front corner posts * Integral formed horizontal side brace on each side * 12" wide x 4.75" deep full depth rear corner post with 10" rear apron connecting both sides and floor of body * 50 degree slope on top of rear corner post for dirt shedding * Sideboard pockets TAILGATE: * Three panel style with two horizontal braces * Double acting * Dual banjo chain holders on each side		

Subtotal	Continued
Sales Tax	Continued
TOTAL	**Continued**

25% Restock Fee on All Cancelled and Returned Orders

LINDCO Equipment Sales
DIVISION OF VIKING-CIVES GROUP
2168 East 88th Drive
Merrillville, Indiana 46410

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Page: 5

Viking-Cives #080818-VCM

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Yorkville, IL 60560
USA

TERMS & CONDITIONS OF QUOTE

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Customer ID	Good Thru	Payment Terms	Sales Rep
Yorkville-01	9/28/22	Net 30 Days	30970

Quantity	Item	Description	Unit Price	Amount
		* Full-length stainless steel tailgate chains TAILGATE LINKAGE & HARDWARE: * All upper and lower tailgate hardware and point to be stainless steel * All tailgate rods, linkage, pins, etc. to be stainless steel * All pivot points to have grease points UNDERSTRUCTURE: * Western style * 1/4" x 10" tall trapezoid stainless steel long sills CAB SHIELD: * 1/2 (24") x 84" cab shield factory installed * Fully enclosed * Three (3) sealed access panels in top of cab shield * Access panels with rubber gasket * All stainless steel fasteners on panels * Six (6) ovals in front of cab shield * Six (6) ovals in rear of cab shield * One (1) oval in each side of cab shield for total of two (2) REAR OVALS IN BODY: * Three 6" ovals in each rear corner post * One (1) 6" oval in side of each rear corner post		
			Subtotal	Continued
			Sales Tax	Continued
			TOTAL	**Continued**

25% Restock Fee on All Cancelled and Returned Orders

LINDCO Equipment Sales
DIVISION OF VIKING-CIVES GROUP
2168 East 88th Drive
Merrillville, Indiana 46410

Voice: (219)795-1448
Fax: (219)736-0892

Sourcewell Formerly NJPA Awarded Contract

QUOTATION

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Viking-Cives #080818-VCM

Quoted To:

City of Yorkville
610 Tower Lane
Yorkville, IL 60560
USA

TERMS & CONDITIONS OF QUOTE

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Customer ID	Good Thru	Payment Terms	Sales Rep
Yorkville-01	9/28/22	Net 30 Days	30970

Quantity	Item	Description	Unit Price	Amount
		CAB SHIELD ELECTRICAL WIRE RUNS: * 1/2" stainless steel tubing down driver side outside front of body from cab shield to floor * 1/2" stainless steel tubing under body from front to rear LIGHTING: * (6) 6" oval strobes installed in front of cab shield * (1) 6" strobe in each side of cab shield * (4) strobes in rear of cab shield * (2) S/T/T/ Back up light in rear of cab shield * (2) strobes in each rear corner post * (1) S/T/T/ Back up light in each rear corner post * All wired to rear for hooking into junction box on chassis VIBRATOR: * Install cougar 3200 vibrator under body between long sills and wire to rear * 3/4" stainless steel tubing under body from vibrator to rear for vibrator wire run AIR TAILGATE CYLINDER: * Air tailgate cylinder installed on body between long sills LADDER: * Underbody slide out stainless steel two		
			Subtotal	Continued
			Sales Tax	Continued
			TOTAL	**Continued**

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Yorkville-01	9/28/22	Net 30 Days	30970

Quantity	Item	Description	Unit Price	Amount
		rung ladder on driver side toward front GRAB HANDLE: * Stainless steel full-length grab handle on driver side toward front on both sides of ladder STEPS: * Two stainless steel grip strut steps mounted on side above ladder, same width as ladder REAR QUICK COUPLERS: * Rear quick couplers hose boxes under body at rear for both sides made of stainless steel * Quick connect plate on hydraulic hose box below rub rail * Quick couplers will be under rub rails * No quick couplers in rub rails * No removable panel in rub rails MUD FLAP BRACKETS: * Removable swing style stainless steel mud flap brackets REFLECTOR TAPE: * Red & White down each rub rail & perimeter of tailgate HOIST: * Mailhot hoist		

Subtotal	Continued
Sales Tax	Continued
TOTAL	**Continued**

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Customer ID	Good Thru	Payment Terms	Sales Rep
Yorkville-01	9/28/22	Net 30 Days	30970

Quantity	Item	Description	Unit Price	Amount
		* Double acting (power up - power down) * Rear hinge assembly with safety pin body lock * Hoist truck cradle with mounting angles * Hoist doghouse cradle * Body guides * Hoist factory mounted in doghouse * 1/2" stainless steel tube mounted under body fromt front to rear for hoist down * Hoist hosed to front of tube * Tube capped at rear		
		_____ REAR FENDERS AND FLAPS: _____		
1.00	MD2436	DuraGuard 3/8" HD 24" x 36" Guard Mud Flap - Black - with Lindco Equipment Sales, Inc. Logo & Merrillville, IN molded blue/white into flap (price per pair)		
1.00	MIN1400BP	Minimizer MIN1400 Quarter Fender Kit Black with Post Mount * Mounted in front of rear wheels		
		_____ LIGHTING & ELECTRICAL ITEMS: _____		
		REAR JUNCTION BOXES:		
2.00	PH-310	Phoenix 10-Pole Junction Box		
			Subtotal	Continued
			Sales Tax	Continued
			TOTAL	**Continued**

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Yorkville-01	9/28/22	Net 30 Days	30970

Quantity	Item	Description	Unit Price	Amount
		* One mounted on each side on back side of rear hinge assembly. * Right side will have all S/T/T, Back up lights and back up alarm wired into junction box. * Left side will have all strobes and spreader lights wired into junction box. * All wiring installed in junction box must have eyelets installed. * Junction boxes will be di-electric greased WIRING: * All wiring will be one piece, no butt connectors or scotch locks. * All connections must be di-electric greased * All lighting will terminated in rear junction boxes * Wiring from junction box or coming from front to rear will run down middle of frame on stainless steel flat stock with stainless steel fasteners. * All wiring ran down front of body will be in stainless steel piping. * All wiring ran from front of body to rear, under body will be in stainlness steel piping. * All wiring from junction box will terminate to switches in cab.		
			Subtotal	Continued
			Sales Tax	Continued
			TOTAL	**Continued**

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Yorkville-01	9/28/22	Net 30 Days	30970

Quantity	Item	Description	Unit Price	Amount
		* All circuit breakers, fuses, relays, electric valves (air tailgate) will be installed in valve enclosure. * All wiring will have protective loom installed. * All wire pass through holes will be grommeted		
1.00	510	BACK UP ALARM: Ecco back-up alarm, 97 dB, 12 VDC. * Install on rear hinge assembly * Wired to junction box with S/T/T an back up lights * All connections to have eyelet connectors * Connections to be di-electric greased		
4.00	SL66A0	CAB SHIELD LIGHTING Buyers 6" oval LED strobe light, illuminates amber * Installed in front of cab shield on each side		
2.00	SL66A0	Buyers 6" oval LED strobe light, illuminates amber * Installed on each side of cab shield		
2.00	SL66A0	Buyers 6" oval LED strobe light, illuminates amber * Installed in outer ovals on rear for cab shield * Strobes wired to left side junction box		

Subtotal	Continued
Sales Tax	Continued
TOTAL	**Continued**

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Yorkville-01	9/28/22	Net 30 Days	30970

Quantity	Item	Description	Unit Price	Amount
		* Strobe wiring from junction box to switch in cab * All wiring ran from cab shield through stainless steel piping to rear of vehicle. * Any lighting wire not in the stainless steel will be in protective loom * All connections to have eyelet connectors * Connections to be di-electric greased REAR CORNER POST LIGHTING:		
2.00	SL66A0	Buyers 6" oval LED strobe light, illuminates amber * Installed in top oval on each side		
2.00	5626432	Buyers 6" oval LED STT/Backup/and Strobe combination light (32 LED) * Installed in center oval on each side		
2.00	SL66A0	Buyers 6" oval LED strobe light, illuminates amber * Installed in bottom oval on each side * Strobes wired to left side junction box * Strobe wiring from junction box to switch in cab * S/T/T/Back up lights wired to right side junction box. * All lighting wiring will be in protective loom * All connections to have eyelet connectors * Connections to be di-electric greased		

Subtotal	Continued
Sales Tax	Continued
TOTAL	**Continued**

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Yorkville-01	9/28/22	Net 30 Days	30970

Quantity	Item	Description	Unit Price	Amount
		SPREADER LIGHT:		
2.00	MWL-19	Maxxima LED clear work light * Installed on each side under body * Wired to left side junction box * Spreader light wiring from junction box to switch in cab * All lighting wiring will be in protective loom * All connections to have eyelet connectors * Connections to be di-electric greased		
		PLOW LIGHTS:		
1.00	0552243	J.W. Speaker LED Plow Lights; built-in amber turn signal and lens heater. (Pair)		
1.00	PLB12SS	Buyers stainless steel plow light brackets, extended for 2 post mount lights * Hood mounted * Wired to plow light switch in cab * All weld burns on plow light brackets must be cleaned prior to installing on hood. * All wiring installed in protective loom * Connections to be di-electric greased		
		BODY UP SWITCH & LIGHT:		
1.00	B95W	Buyers Dump Body Up Indicator		
1.00	0800850	Imperial LED indicator light - red * Body up switch installed on hoist cradle, driver side * Light installed in control console		

Subtotal	Continued
Sales Tax	Continued
TOTAL	**Continued**

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Yorkville-01	9/28/22	Net 30 Days	30970

Quantity	Item	Description	Unit Price	Amount
		* All connections to have eyelet connectors * All wiring installed in protective loom * Connections to be di-electric greased MASTER CIRCUIT BREAKER:		
1.00	175-S0-080-2	Chief 80 amp high amp circuit breaker. * Mounted in valve enclosure * All connections to have eyelet connectors * All wiring installed in protective loom * Connections to be di-electric greased RELAY:		
1.00	140-0379	TST 75 amp relay, 12V bracket. * Mounted in valve enclosure * All connections to have eyelet connectors * All wiring installed in protective loom * Connections to be di-electric greased AIR TAILGATE VALVE:		
1.00	320178	Velvac 4 way valve solenoid for air tailgate. * Air valve mounted in valve enclosure * All connections to have eyelet connectors * All wiring installed in protective loom * Connections to be di-electric greased * All air line from chassis to valve to valve to cylinders at rear. BODY VIBRATOR: * Mounted on channel support * Stainless steel safety chain attached		
			Subtotal	Continued
			Sales Tax	Continued
			TOTAL	**Continued**

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Yorkville-01	9/28/22	Net 30 Days	30970

Quantity	Item	Description	Unit Price	Amount
		* All wiring ran under body in stainless pipiing * All vibrators solenoids/fuses, etc. mounted in valve enclousre		
		_____		
		PINTLE HOOK:		
		_____		
1.00		Lindco 5/8" Pintle hook plate * Back side of pintle hitch reinforced with 1" x 1" x 3/8" angle * Pintle hook is wrapped with 1 1/4" x 3/16" flat stock * 5/8" gussets installed on each side of pintle hitch to frame * Chassis S/T/T lights recessed into pintle hitch * Trailer plug installed in pintle hitch		
2.00	B46	Buyers 3/4" drop forged D-ring w/weld bracket 4-1/2" x 4-1/2" O.D. * Welded on for chains		
1.00	PH30	Buyers 30 ton rigid mount pintle hook		
1.00	054002	Velvac 7-Way Blade Type Socket * Installed in pintle hitch * Wired to right side junction box * All wiring installed in protective loom * All connections to have eyelet connectors		

Subtotal	Continued
Sales Tax	Continued
TOTAL	**Continued**

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Quantity	Item	Description	Unit Price	Amount
		* Connections to be di-electric greased		
1.00	49122	Grote SuperNova thin-line LED red bar lamps.		
1.00	60321	Grote license lamp w/stainless steel bracket.		
		* Installed on pintle hitch		
		* Wired to right side junction box		
		* All wiring installed in protective loom		
		* All connections to have eyelet connectors		
		* Connections to be di-electric greased		
		_____		
		HYDRAULIC SYSTEM:		
		_____		
		PTO & PUMP:		
1.00	1075942	Force America wet spline PTO, 12V electric hydraulic.		
1.00	1063355	Force America Load Sense direct mounted pump, CFG-999182, TXV92-R-KIT-CFG		
		RESERVOIR & VALVES:		
1.00	1097338	Force America VT35G2-B-SS- stainless, 30 gallon reservoir/valve combo tank with slosh shield		
1.00	1180811	Force America 6000 psi filter - 25 micron microglass, 435 psi Delts)-single end open - nitrile seals, dual #16 or 1-1/2" SF ports, 102 psi bypass valve		
1.00	1084357	Force America Full Port 2" NPT Brass Ball		

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TOTAL	**Continued**

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Yorkville-01	9/28/22	Net 30 Days	30970

Quantity	Item	Description	Unit Price	Amount
		Valve 600 PSI		
1.00	1039496	Force America Temp/level Sensor 158 Degree F 30 Gal With Slosh Shield Vt-35		
1.00	1090588	Force America Valve Assembly; AAF12LS-4(500B)-10-4-4-CB4(500B)-2(7)-2(21)-2(7)-BO, Main at 3000 psi, AAF-VDM-GEN2-CFG		
1.00	1095633	Force America crossover relief w/pressure release.		
		CONTROLS:		
1.00	1022417-Yorkville	Force America Commandall, SPJC-6100-gen5-single-yorkviille, spjc-6100-gen5-single-cfg		
		PRE-WET:		
2.00	LISC SG06080015	Certified Power 240 gallon behind the cab prewetting system. Includes (2) 120 gallon tanks, stainless mounting frame, hold down straps and mounting hardware.		
1.00	LISC SG06070056-3	Certified Power prewet, valve instack w/flow meter with stainless bracket		
1.00	LISC SG06090028	Certified Power prewet plumbing kit, behind cab, 1 line, 2 nozzles		
1.00	ELCA SG07070121	Certified Power stainless float with BH Corded Plug		
1.00	CCPP PPM-HC	Certified Power Prewet Pump Mod-Hyd closed LP		

Subtotal	Continued
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TOTAL	**Continued**

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Yorkville-01	9/28/22	Net 30 Days	30970

Quantity	Item	Description	Unit Price	Amount
1.00	00002 332 39	Swenson V-box flush kit		
1.00	00002 332 09	Swenson 1-1/2" female quick fill kit		
		STAINLESS STEEL HYDRAULIC TUBES FOR DUMP HOIST:		
1.00	8-049 304W/FJX-108"	Mid-State 1/2"x9' 304 S/S Line with fittings * One (1) line mounted to the underneath of the body for hoist power down. * One (1) line mounted down frame for hoist power down.		
3.00	A2-12.7-A	PCI HD Series Clamps for 1/2" tubing		
		STAINLESS STEEL HYDRAULIC TUBES FOR SALT SPREADER:		
2.00	8-049 304W/FJX-108"	Mid-State 1/2"x9' 304 S/S Line with fittings * One (1) line mounted down frame for spinner pressure * One (1) line mounted down frame for auger pressure		
6.00	A2-12.7-A	PCI HD Series Clamps for 1/2" tubing		
1.00	12-065 304W/FJX-108"	Mid-State 3/4"x9' 304 S/S Line with fittings * One (1) line mounted down frame for return for spinner and auger		
3.00	A3-19-A	PCI HD Series Clamps for 3/4" tubing		
		STAINLESS STEEL HYDRAULIC TUBES FOR SNOW PLOW:		
4.00	8-049 304W/FJX-72"	Mid-State 1/2"x6' 304 S/S Line with fittings * One (1) line mounted under cab on driver		

Subtotal	Continued
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TOTAL	**Continued**

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Quantity	Item	Description	Unit Price	Amount
		side for plow angle right * One (1) line mounted under cab on driver side for plow angle left * One (1) line mounted under cab on driver side for plow up * One (1) line mounted under cab on driver side for plow down		
12.00	A2-12.7-A	PCI HD Series Clamps for 1/2" tubing		
		HOSES/ADAPTORS/FITTINGS:		
1.00		Hose adaptors, Hose ends and Other Fittings		
1.00		Hydraulic hoses * No hose length is to exceed 6' in length * Hose protection at all wear points		
		SNOW PLOW HYDRAULIC COUPLER:		
1.00	10-932-2101	CEJN Multi-X Duo 12.5 female plate, 2 ports, 1/2".		
1.00	10-932-2051	CEJN Multi-X Duo 12.5 Male plate, 2 ports, 1/2".		
4.00	14-727-0812	CEJN Multi-X adapter 1/2" WEO to male JIC 3/4"-16		
4.00	14-727-1212	CEJN WEO Nipple DN 20 + 3/4" -16 UNF male JIC 37 * Female coupler mounted to underside of front bumper on driver side * Male coupler mounted to plow hoses		

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Yorkville-01	9/28/22	Net 30 Days	30970

Quantity	Item	Description	Unit Price	Amount
		* Coupler docking station mounted on plow		
		SPREADER HYDRAULIC COUPLERS:		
2.00	10-932-2101	CEJN Multi-X Duo 12.5 female plate, 2 ports, 1/2".		
2.00	10-932-2051	CEJN Multi-X Duo 12.5 Male plate, 2 ports, 1/2".		
8.00	14-727-0812	CEJN Multi-X adapter 1/2" WEO to male JIC 3/4"-16		
8.00	14-727-1212	CEJN WEO Nipple DN 20 + 3/4" -16 UNF male JIC 37		
		* One (1) coupler mounted under body on passenger side for auger pressure & return		
		* One (1) coupler mounted under body on driver side for spinner pressure & return		
		* Couplers installed on spreader spinner and auger short hoses		
4.00	4HF4-S	Dixon 1/2" female stainless steel coupler		
4.00	H4F4-S	Dixon 1/2" male stainless steel nipple		
8.00	4HDP-H4DC	Dixon 1/2" Dust Cap/Plug		
		* Stainless steel couplers for lift cylinder		
		_____		
		SNOW PLOW:		
		_____		
1.00	42R11-RMB-ECT-CPF	Henke Road Warrior Reversible Snow Plow: 11' wide x 42" high, integral shield, mailbox cut out, dul compression spring trip		
			Subtotal	Continued
			Sales Tax	Continued
			TOTAL	**Continued**

25% Restock Fee on All Cancelled and Returned Orders

LINDCO
Equipment Sales
DIVISION OF VIKING-CIVES GROUP

2168 East 88th Drive
Merrillville, Indiana 46410

Voice: (219)795-1448
Fax: (219)736-0892

Sourcewell Formerly NJPA
Awarded Contract

QUOTATION

Quote Number: 220839
Quote Date: Aug 29, 2022
Page: 20

Viking-Cives #080818-VCM

Quoted To:

City of Yorkville
610 Tower Lane
Yorkville, IL 60560
USA

TERMS & CONDITIONS OF QUOTE

> Quotes are only valid for 30 days from date of quote.
> Quotes past 30 days must be requoted.
> 25% restocking fee on all cancelled and returned orders.

Customer ID	Good Thru	Payment Terms	Sales Rep
Yorkville-01	9/28/22	Net 30 Days	30970

Quantity	Item	Description	Unit Price	Amount
		moldboard, UQH quick hitch.		
		* 11' wide		
		* 42" high		
		* 10 gauge steel moldboard		
		* Mailbox cut out on curbside		
		* Winter Equipment curb guard on curbside		
		* Double 5/8" thick top punch cutting edges		
		* Plow jack stand		
		* Plow angle cylinder cushion valve		
		* UQH quick hitch swivel plate with stops		
		* Deflector hardware		
1.00	3712144	"Lindco" Snow Deflector 12"		
270.00	Misc.	Snow deflector installation hardware		
1.00	1308110	S.A.M. 36" blade guides		
		_____		
		SNOW PLOW TRUCK HITCH:		
		_____		
1.00	6236060	Henke Plow Hitch, UQH universal quick hitch truck portion low profile design, fold down and telescoping lift arm		
		* 6236903 - 4 x 10" double acting lift cylinder		
2.00	W4P03596	Schmidt "Z" bracket-connect frame to plow 3.25" x 5.5" x 1/2" thick (Each)		
1.00		Lindco custom Peterbilt side plates		
		* Lindco will reuse Peterbilt factory bumper		
		_____		

Subtotal	Continued
Sales Tax	Continued
TOTAL	**Continued**

25% Restock Fee on All Cancelled and Returned Orders

LINDCO Equipment Sales
DIVISION OF VIKING-CIVES GROUP
2168 East 88th Drive
Merrillville, Indiana 46410

Voice: (219)795-1448
Fax: (219)736-0892

Sourcewell Formerly NJPA Awarded Contract

QUOTATION

Quote Number: 220839
Quote Date: Aug 29, 2022
Page: 21

Viking-Cives #080818-VCM

Quoted To:

City of Yorkville
610 Tower Lane
Yorkville, IL 60560
USA

TERMS & CONDITIONS OF QUOTE

> Quotes are only valid for 30 days from date of quote.
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> 25% restocking fee on all cancelled and returned orders.

Customer ID	Good Thru	Payment Terms	Sales Rep
Yorkville-01	9/28/22	Net 30 Days	30970

Quantity	Item	Description	Unit Price	Amount
		SALT SPREADER:		
		_____		
1.00	00002 463 84	Swenson SADS tailgate spreader w/ 18" poly spinner, direct drive, 6" auger, stainless steel construction, no paint, sides of spreader 8" higher, sensor motor. * 304 2B stainless steel * 6" auger * Direct drive auger motor * Standard side height * Stainless steel quick detach mounting hardware		
1.00		Short Hose Kit		
1.00		Stainless steel pre-wet spray bar installed in auger trough		
1.00		** Yorkville designs spreader stainless steel side spill shields		
		_____		
		CAMERA SYSTEM:		
		_____		
1.00	A4693	Brigade color camera kit complete with VBV-770D-000N 7" LCD color monitor, VBV-701C color camera and 66' cable		
1.00	MSF5001 Camera	Camera system box w/ram adjustable bracket, stainless steel.		
1.00	MSF8470037000-LR-A	Camera Wash (1) nozzle for single camera.		
			Subtotal	Continued
			Sales Tax	Continued
			TOTAL	**Continued**

25% Restock Fee on All Cancelled and Returned Orders

LINDCO
Equipment Sales
DIVISION OF VIKING-CIVES GROUP

2168 East 88th Drive
Merrillville, Indiana 46410

Voice: (219)795-1448
Fax: (219)736-0892

Sourcewell Formerly NJPA
Awarded Contract

QUOTATION

Quote Number: 220839
Quote Date: Aug 29, 2022
Page: 22

Viking-Cives #080818-VCM

Quoted To:

City of Yorkville
610 Tower Lane
Yorkville, IL 60560
USA

TERMS & CONDITIONS OF QUOTE

> Quotes are only valid for 30 days from date of quote.
> Quotes past 30 days must be requoted.
> 25% restocking fee on all cancelled and returned orders.

Customer ID	Good Thru	Payment Terms	Sales Rep
Yorkville-01	9/28/22	Net 30 Days	30970

Quantity	Item	Description	Unit Price	Amount
1.00	MSF5010A	Does not include tubing kit. Less reservoir Camera Wash 30' tubing kit complete with air and washer (Rev. A 051517)		
1.00	MSF8470038000A	Camera Wash nozzle kit * Camera mounting will be determine during customer pre-built meeting * Monitor mounting will be determine during customer pre-built meeting		
		_____ PAINT & UNDERCOATING: _____		
1.00	PAINT PINTLE HITCH	Paint Pintle Hitch		
1.00	PAINT HOIST & SUBFRA	Prime Where needed and Paint Hoist & Subframe to black		
1.00	PAINT PLOW HITCH	Paint Plow Hitch, Including lift arm, side plates, bumper and lift cylinder black		
1.00	PAINT-MISCEL	Paint Miscel		
1.00	Under Coat	Under coat dump body		
		_____ MISC., FREIGHT & LABOR: _____		
3,249.00	Misc.	Miscellaneous Material - includes any or all of the following: wiring, electrical connectors, tie downs, clamps, nut, bolts, washers, steel, oil, grease, etc.		
4,024.00	FREIGHT	FREIGHT		

Subtotal	Continued
Sales Tax	Continued
TOTAL	**Continued**

25% Restock Fee on All Cancelled and Returned Orders

LINDCO
Equipment Sales
DIVISION OF VIKING-CIVES GROUP

2168 East 88th Drive
Merrillville, Indiana 46410

Voice: (219)795-1448
Fax: (219)736-0892

Sourcewell Formerly NJPA
Awarded Contract

QUOTATION

Quote Number: 220839
Quote Date: Aug 29, 2022
Page: 23

Viking-Cives #080818-VCM

Quoted To:

City of Yorkville
610 Tower Lane
Yorkville, IL 60560
USA

TERMS & CONDITIONS OF QUOTE

> Quotes are only valid for 30 days from date of quote.
> Quotes past 30 days must be requoted.
> 25% restocking fee on all cancelled and returned orders.

Customer ID	Good Thru	Payment Terms	Sales Rep
Yorkville-01	9/28/22	Net 30 Days	30970

Quantity	Item	Description	Unit Price	Amount
260.00	INSTALLATION	Lindco Installation Labor Hours		

Subtotal	285,970.00
Sales Tax	
TOTAL	**285,970.00**

25% Restock Fee on All Cancelled and Returned Orders

Reviewed By:	
Legal	☐
Finance	☐
Engineer	■
City Administrator	■
Human Resources	☐
Community Development	☐
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

Mayor's Report #2

Tracking Number

CC 2022-40

Agenda Item Summary Memo

Title: Blackberry Woods (Phase B) – Development Status

Meeting and Date: City Council – September 27, 2022

Synopsis: Consideration of Default Issuance

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Majority

Council Action Requested: Consideration of Default Issuance

Submitted by: Brad Sanderson (Name) Engineering (Department)

Agenda Item Notes:

Have a question or comment about this agenda item?
Call us Monday-Friday, 8:00am to 4:30pm at 630-553-4350, email us at agendas@yorkville.il.us, post at www.facebook.com/CityofYorkville, tweet us at @CityofYorkville, and/or contact any of your elected officials at http://www.yorkville.il.us/gov_officials.php

Memorandum

To: Bart Olson, City Administrator
From: Brad Sanderson, EEI
CC: Eric Dhuse, Director of Public Works
Krysti Barksdale-Noble, Community Dev. Dir.
Jori, Behland, City Clerk

Date: September 1, 2022
Subject: Blackberry Woods (Phase B)

This memo is to provide an update as to the status of the completion of the improvements for the Blackberry Woods (Phase B) development.

The City accepted the public improvements on February 25, 2020 and a maintenance bond of $16,450 was placed on file. A punchlist of work remaining was developed prior to the end of the one-year maintenance period. Some work was completed, but several items remain as noted in the attached updated punchlist.

The developer has been non-responsive in the completion of the remainder of the work. Based on the amount of outstanding work and the lack of progress from the developer, staff is recommending that a letter of default be prepared and issued to the developer. This would be the first step in officially calling the bond and afford the developer an additional sixty (60) days to complete the required improvements, or until November 2022 before the City moves to call the security.

At this time, we are requesting direction from the City Council as to whether a letter of default should be issued.

Beecher

Cornell

Independence

Patrick

Cody

Carly

Cannonball

Purcell

Phase A

Phase B

Phase Boundary

400 200 0 400 Feet

NORTH

Engineering Enterprises, Inc.
CONSULTING ENGINEERS
52 Wheeler Road
Sugar Grove, Illinois 60554
(630) 466-6700 / www.eeiweb.con

United City of Yorkville
800 Game Farm Road
Yorkville, IL 60560
(630) 553-4350
http://www.yorkville.il.us

NO.	DATE	REVISIONS

DATE: JANUARY 2017
PROJECT NO.: YO1217
PATH: H:/GIS/PUBLIC/YORKVILLE/2016/
FILE: YO1603- BLACKBERRY WOODS .MXD

PHASE B
UNITED CITY OF YORKVILLE
KENDALL COUNTY, ILLINOIS

BLACKBERRY WOODS LOCATION MAP

Bond Number 2440948
SUBDIVISION MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That **MEADOWBROOK BUILDERS, LLC** as **Principal**, hereinafter called Contractor

and **West Bend Mutual Insurance Company** as **Surety**, hereinafter called Surety,

are held and firmly bound unto the United City of Yorkville, an Illinois municipal corporation, 800 Game Farm Road, Yorkville, Illinois, 60560, as **Obligee**, hereinafter called City, in the penal sum of **Sixteen Thousand Four Hundred and Fifty Dollars ($16,450.00)**, for payment whereof Contractor and Surety bind themselves, and their respective heirs, executors, administrators, successors and assigns, jointly and severally, by this obligation.

WHEREAS, the Contractor has constructed certain public improvements for lots within a subdivision commonly known as **Blackberry Woods** and as more particularly described and designated on the plat of said property, said plat being incorporated herein and made a part hereof by reference thereto; and,

WHEREAS, the aforementioned public improvements were made pursuant to certain plans and specifications on file with the City and the City's Subdivision Control Ordinance, both made a part hereof by reference thereto; and,

WHEREAS, the Contractor has requested the City accept the public improvements pursuant to Section 11-5-2 of the City's Subdivision Control Ordinance that requires in Section 11-5-3 the Contractor to post with the City this bond in the amount of ten percent of the improvements to guarantee the maintenance and performance of the improvements to properly function as designed and to remain free of defects in material, workmanship and installation for a period of one year from the date of approval by the City accepting the improvements.

NOW, THEREFORE, the condition of this obligation is such that, if the Principal shall perform the obligations in accordance with the ordinances, standards and requirements of the City and shall fully indemnify and save harmless the City from all cost and damage which the City may suffer by reason of failure on the Principal's part, not to exceed the penal sum of this bond, then this obligation shall be void, otherwise to remain in full force and effect.

PROVIDED the City shall notify the Principal in writing of any defect for which the Principal is responsible and shall specify in said notice a period of time in which Principal shall have to correct said defect.

The Surety unconditionally covenants and agrees that if the Principal fails to correct said defects, within the time specified, the Surety, upon 30 days certified mail notice to the address above

from the City of the defect will correct such defect or defects and pay all City expenditures and obligations thereof, including, but not limited to construction costs and consultant fees.

Should the Surety fail or refuse to correct the defects, the City in consideration of the public health, welfare and safety and in approving and accepting said improvements shall have the right to resort to any and all legal remedies against the Principal and Surety, both at law and in equity, including specifically repair or replacement of said improvements to which the Principal and surety unconditionally agree.

The City, at its option, shall have the right to correct said defects resulting from faulty materials or workmanship, or, pursuant to bidding cause to be corrected any said defects in case the Principal shall fail or refuse to do so, and in the event the City should exercise and give effect to such right, the Principal and Surety shall be jointly and severally bound hereunder to reimburse the City the total cost thereof, including, but not limited to, engineering, legal and contingent cost, together with any damages which may be sustained on account of the failure of the Principal to correct said defects.

The City shall have no obligation to actually incur any cost or correct any deficient performance of the Principal in order to be entitled to receive the proceeds of this bond for any defect.

IN WITNESS WHEREOF, the Principal and Surety have executed this bond this day of February 25th, 2020.

Principal

By: ALADDIN MASSAR MEADOWBROOK BUILDERS

Surety:

By:
David Thomas
Attorney-in-fact

Attach standard form showing Attorney-in-fact authorization

WEST BEND
A MUTUAL INSURANCE COMPANY

THE SILVER LINING®

Bond No. 2440948

POWER OF ATTORNEY

Know all men by these Presents, That West Bend Mutual Insurance Company, a corporation having its principal office in the City of West Bend, Wisconsin does make, constitute and appoint:

DAVID THOMAS

lawful Attorney(s)-in-fact, to make, execute, seal and deliver for and on its behalf as surety and as its act and deed any and all bonds, undertakings and contracts of suretyship, provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount the sum of: Ten Million Dollars ($10,000,000)

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of West Bend Mutual Insurance Company at a meeting duly called and held on the 21st day of December, 1999.

Appointment of Attorney-In-Fact. The president or any vice president, or any other officer of West Bend Mutual Insurance Company may appoint by written certificate Attorneys-In-Fact to act on behalf of the company in the execution of and attesting of bonds and undertakings and other written obligatory instruments of like nature. The signature of any officer authorized hereby and the corporate seal may be affixed by facsimile to any such power of attorney or to any certificate relating therefore and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the company, and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the company in the future with respect to any bond or undertaking or other writing obligatory in nature to which it is attached. Any such appointment may be revoked, for cause, or without cause, by any said officer at any time.

In witness whereof, the West Bend Mutual Insurance Company has caused these presents to be signed by its president undersigned and its corporate seal to be hereto duly attested by its secretary this 22nd day of September, 2017.

Attest Christopher C. Zwygart
Christopher C. Zwygart
Secretary

WEST BEND MUTUAL INSURANCE COMPANY CORPORATE SEAL WASHINGTON CO. WIS.

Kevin A. Steiner
Chief Executive Officer/President

State of Wisconsin
County of Washington

On the 22nd day of September, 2017, before me personally came Kevin A. Steiner, to me known being by duly sworn, did depose and say that he resides in the County of Washington, State of Wisconsin; that he is the President of West Bend Mutual Insurance Company, the corporation described in and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to said instrument is such corporate seal; that is was so affixed by order of the board of directors of said corporation and that he signed his name thereto by like order.

JULI A. BENEDUM NOTARY PUBLIC STATE OF WISCONSIN

Juli A. Benedum
Senior Corporate Attorney
Notary Public, Washington Co., WI
My Commission is Permanent

The undersigned, duly elected to the office stated below, now the incumbent in West Bend Mutual Insurance Company, a Wisconsin corporation authorized to make this certificate, Do Hereby Certify that the foregoing attached Power of Attorney remains in full force effect and has not been revoked and that the Resolution of the Board of Directors, set forth in the Power of Attorney is now in force.

Signed and sealed at West Bend, Wisconsin this 25th day of February, 2020.

WEST BEND MUTUAL INSURANCE COMPANY CORPORATE SEAL WASHINGTON CO. WIS.

Heather Dunn
Vice President – Chief Financial Officer

Notice: Any questions concerning this Power of Attorney may be directed to the Bond Manager at NSI, a division of West Bend Mutual Insurance Company.

July 11, 2022

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

Re: ***Blackberry Woods (Phase B)***
United City of Yorkville
Kendall County, Illinois

Krysti:

On May 31, 2022 a representative from Engineering Enterprises, Inc. performed an onsite punch list inspection of the public improvements for the above referenced project. A summary of the punch list items is listed below.

1. Rip rap should be added to FES 102.
2. Valve vault structures V 9 is full of water and should be pumped down.
3. Mortar around pipe in structure V15.
4. There are three (3) lots that do not have public sidewalk installed. This was a condition of the settlement agreement.

The one-year maintenance period expired on February 25, 2021. A previous punch list letter was issued on February 1, 2021 stating that the date of expiration for the surety bond needs to be extended due to the outstanding work. **The outstanding punch list work should be completed by August 19th or we will recommend to the City Council that the performance security be called.**

Prior to any work beginning on site, the developer should coordinate with the City. If you have any questions or if you require additional information, please call.

Very truly yours,

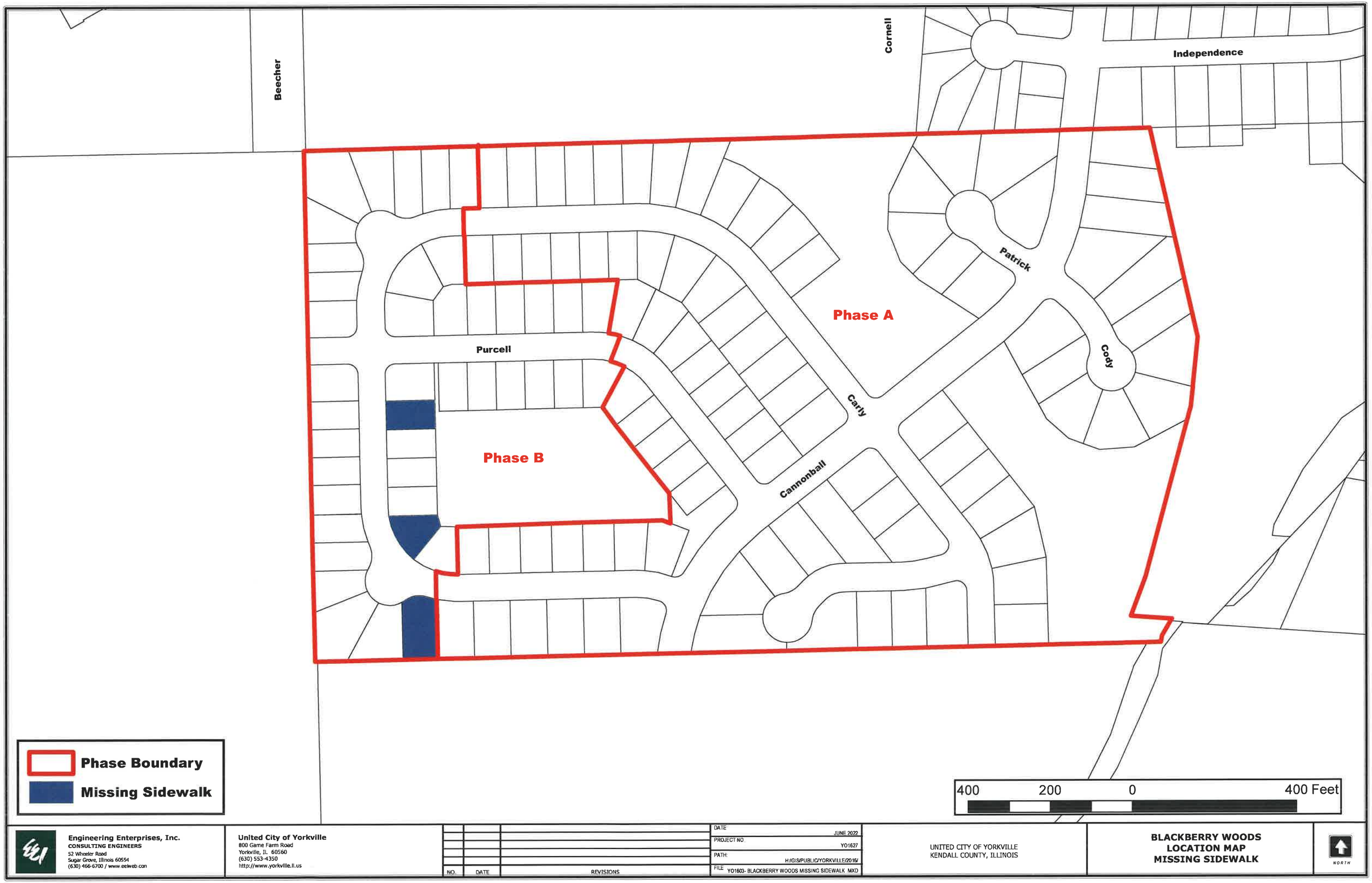
ENGINEERING ENTERPRISES, INC.

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

BPS/nls
Enclosures

pc: Mr. Bart Olson, City Administrator (via e-mail)
Mr. Eric Dhuse, Director of Public Works (via e-mail)
Ms. Jori Behland, City Clerk (via e-mail)
Ms. Erin Willrett, Assistant City Administrator (via email)
Ms. Kathy Field-Orr, City Attorney (via email)
Mr. Aladdin Nassar, Meadowbrook Homes (via e-mail)
Ms. Melissa Hede, Meadowbrook Homes (via e-mail)

\\Milkyway\EEI_Storage\Docs\Public\Yorkville\2016\YO1627-DG Blackberry Woods-Phase B\Acceptance Docs\One-Year Maintenance\lcoy05_punchlist-1 year.doc



Engineering Enterprises, Inc.
CONSULTING ENGINEERS
52 Wheeler Road
Sugar Grove, Illinois 60554
(630) 466-6700 / www.eeiweb.com

United City of Yorkville
800 Game Farm Road
Yorkville, IL 60560
(630) 553-4350
http://www.yorkville.il.us

NO.	DATE	REVISIONS

DATE: JUNE 2022
PROJECT NO: YO1627
PATH: H:/GIS/PUBLIC/YORKVILLE/2016/
FILE: YO1603- BLACKBERRY WOODS MISSING SIDEWALK MXD

UNITED CITY OF YORKVILLE
KENDALL COUNTY, ILLINOIS

BLACKBERRY WOODS LOCATION MAP MISSING SIDEWALK

NORTH

Reviewed By:	
Legal	☐
Finance	☐
Engineer	■
City Administrator	■
Human Resources	☐
Community Development	☐
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

Mayor's Report #3

Tracking Number

CC 2022-41

Agenda Item Summary Memo

Title: Pavement Management Program Update

Meeting and Date: City Council – September 27, 2022

Synopsis: Consideration of 3-Year Plan

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Majority

Council Action Requested: Approval of 3-Year Plan

Submitted by: Brad Sanderson (Name) Engineering (Department)

Agenda Item Notes:

Have a question or comment about this agenda item?
Call us Monday-Friday, 8:00am to 4:30pm at 630-553-4350, email us at agendas@yorkville.il.us, post at www.facebook.com/CityofYorkville, tweet us at @CityofYorkville, and/or contact any of your elected officials at http://www.yorkville.il.us/gov_officials.php

Memorandum

To: Bart Olson, City Administrator
From: Brad Sanderson, EEI
Eric Dhuse, Director of Public Works
CC: Jori Behland, City Clerk
Rob Fredrickson, Finance Director

Date: September 12, 2022
Subject: Pavement Management Update / Roads to Better Roads Program

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Background

In the recent past, the City has selected streets for its upcoming RTBR program in the September timeframe. The timing allows us to move forward with the design in the fall and to receive IDOT approvals in early winter. We are then able to take advantage of bidding in February/March, which has historically been a prime bidding environment.

Discussion

A brief presentation has been prepared to provide an overview of the Pavement Management Plan. The presentation also provides recommendations and presents the new 3-year plan.

A preliminary budget of $1,500,000 per year has been recommended by staff and will be re-evaluated on an annual basis.

It should be noted that the Baseline Road project is addressed separately as the design contract has already been approved.

We are recommending that the streets be reevaluated in 2025.

Action Requested:

1. General concurrence from City Council on the proposed 2023 RTBR program.
2. General concurrence from the City Council on the proposed 3-year RTBR program. Note that this will be reevaluated in September 2023.



PAVEMENT MANAGEMENT PROGRAM UPDATE

United City of Yorkville / September 20, 2022



Agenda

1. Recap 2018 Pavement Management Report
2. Paving History Review
3. Recommendations and Draft 3-Year Plan
4. Questions



RECAP 2018 PAVEMENT MANAGEMENT REPORT

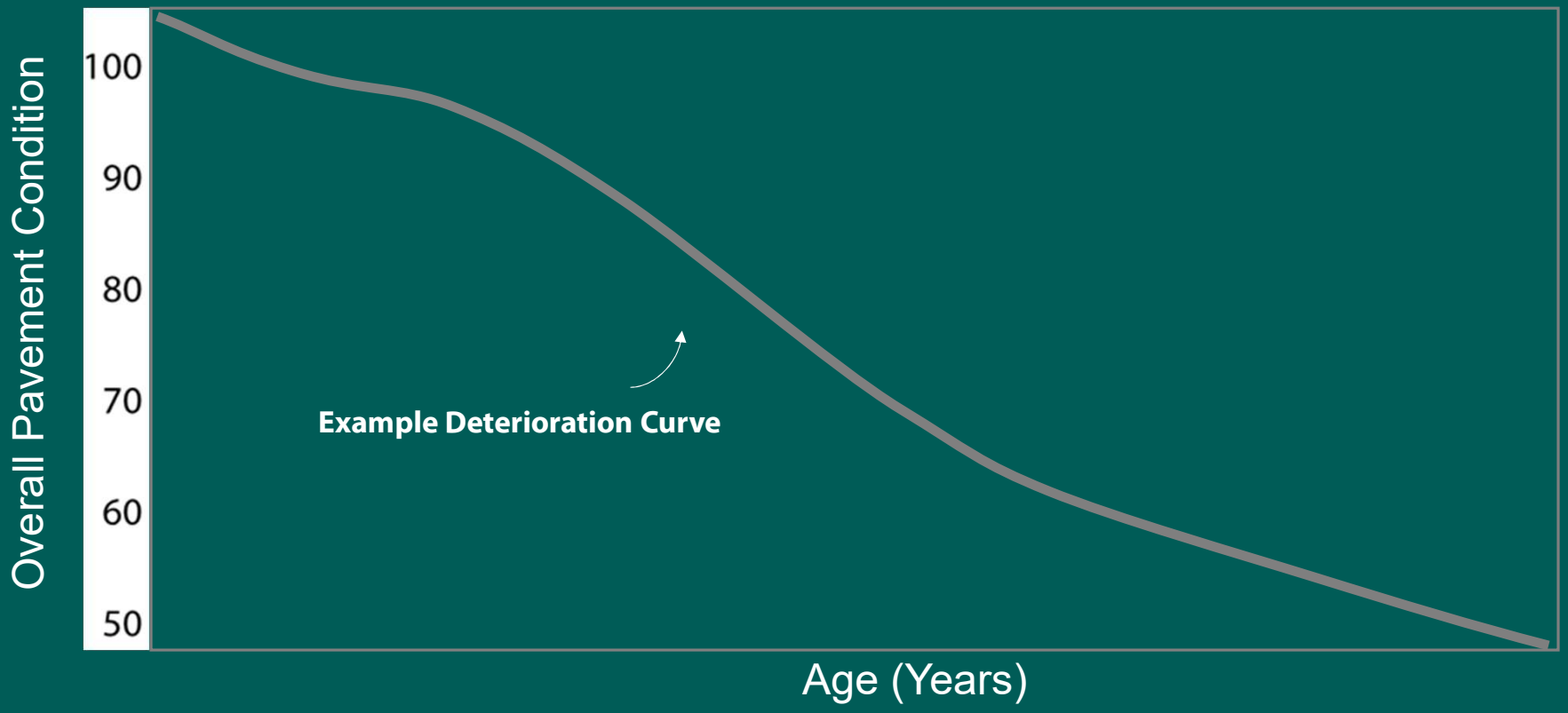
Pavement Management Project Goals

- Assign a Rating to Each Roadway and Inventory Each Street in the City
- Develop Maintenance Strategies and Costs
- Review Budget Needs and Impacts
- Apply Budget and Develop 5-Year Plan

What is a Pavement Management Program?

- It is a decision-making process that helps municipalities make cost-effective decisions concerning the maintenance and rehabilitation of their jurisdiction's pavements

What is a Pavement Management Program?



Roadway Inspections

Road Surface Tester



Subsurface Tester



Surface Distress Index (SDI)

Roughness Index (RI)

Structural Index (SI)

Overall Pavement Condition Index (PCI)

Quality	Rank
Excellent	100
	90
V. Good	80
Good	70
Fair	55
Poor	45
V. Poor	0

Roadway Inspections

Excellent	100
V. Good	90
Good	80
Fair	70
Poor	55
V. Poor	45
	0







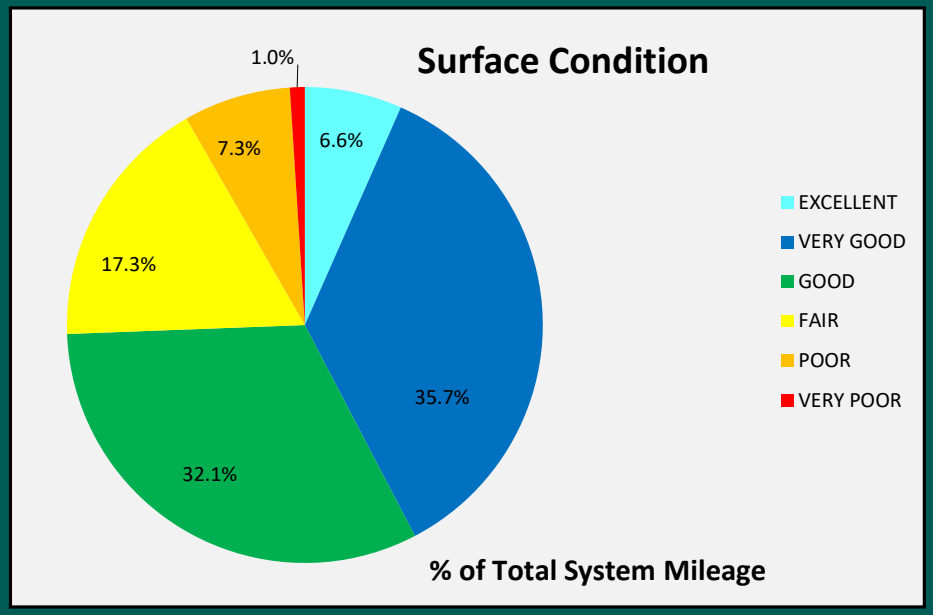






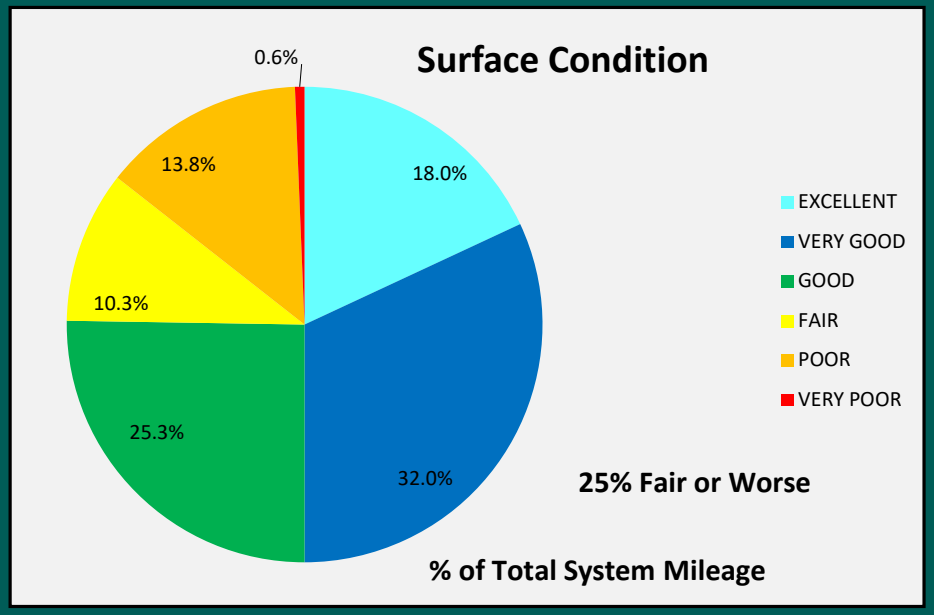
Roadway Inspections

- 113.5 Miles of Roadway in the City were Tested
- 7.5 Miles of Roadway are Binder Only (Not-Accepted)
- Overall Surface Rating of 76
- 74% of Roadways “Good or Better”, 26% “Fair or Worse”

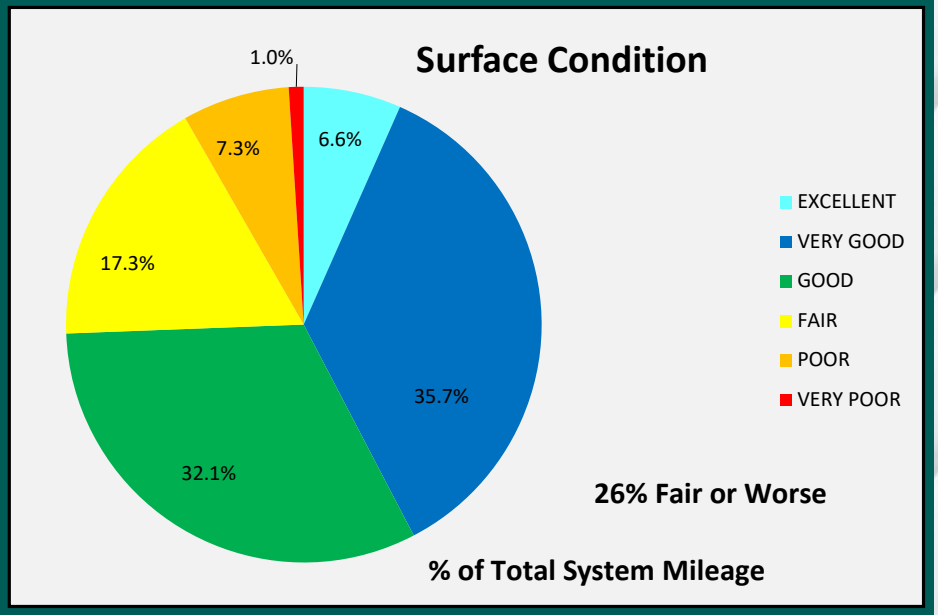


2013 & 2018 COMPARISON

2013



2018



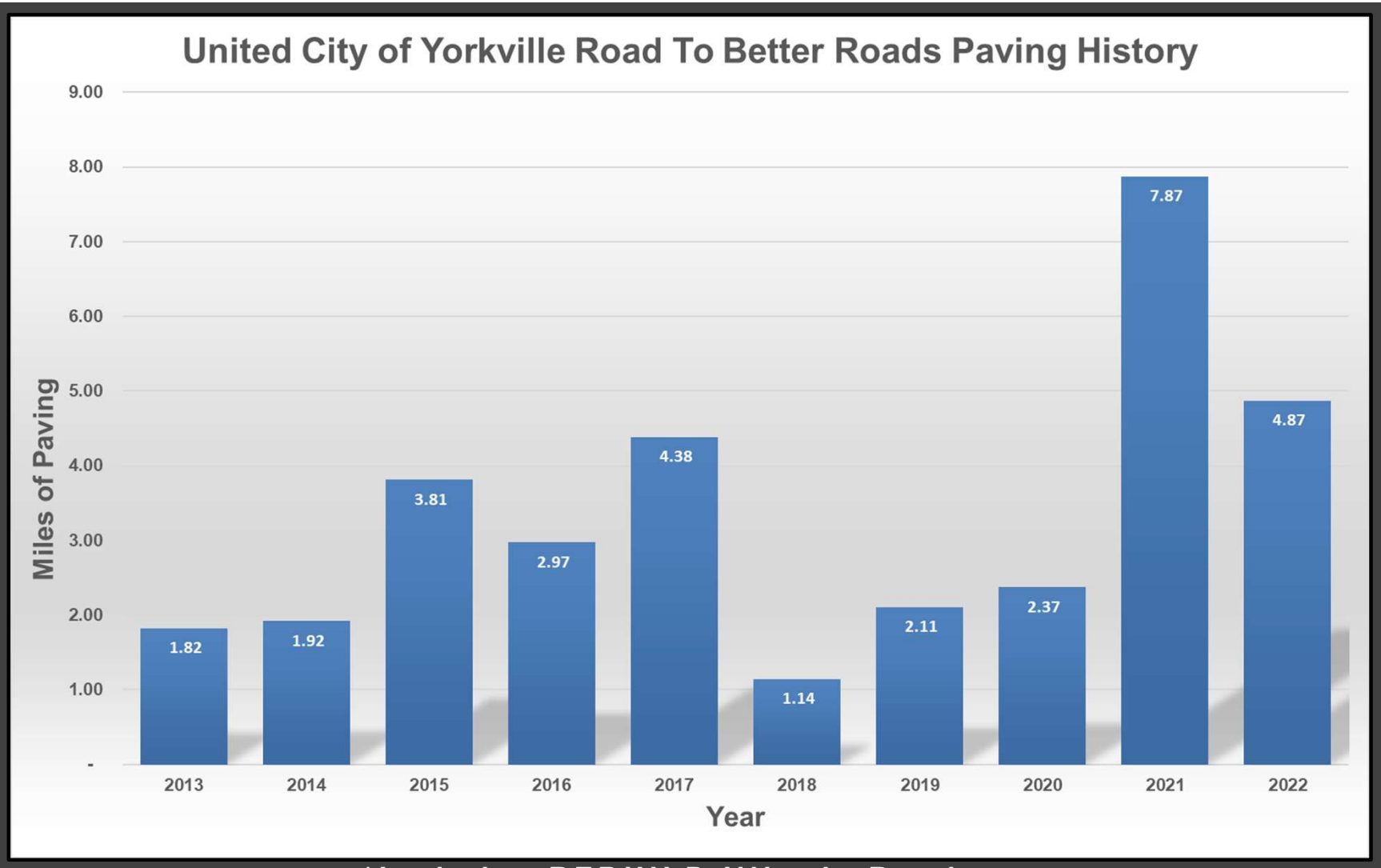
Report Recommendations

- 2018 Pavement Management Report recommended spending $2.1M per year to maintain the City's streets
  - This would result in resurfacing your streets approximately every 20 years
  - Spending $1.0M per year would result in the City streets being resurfaced approximately every 40 years

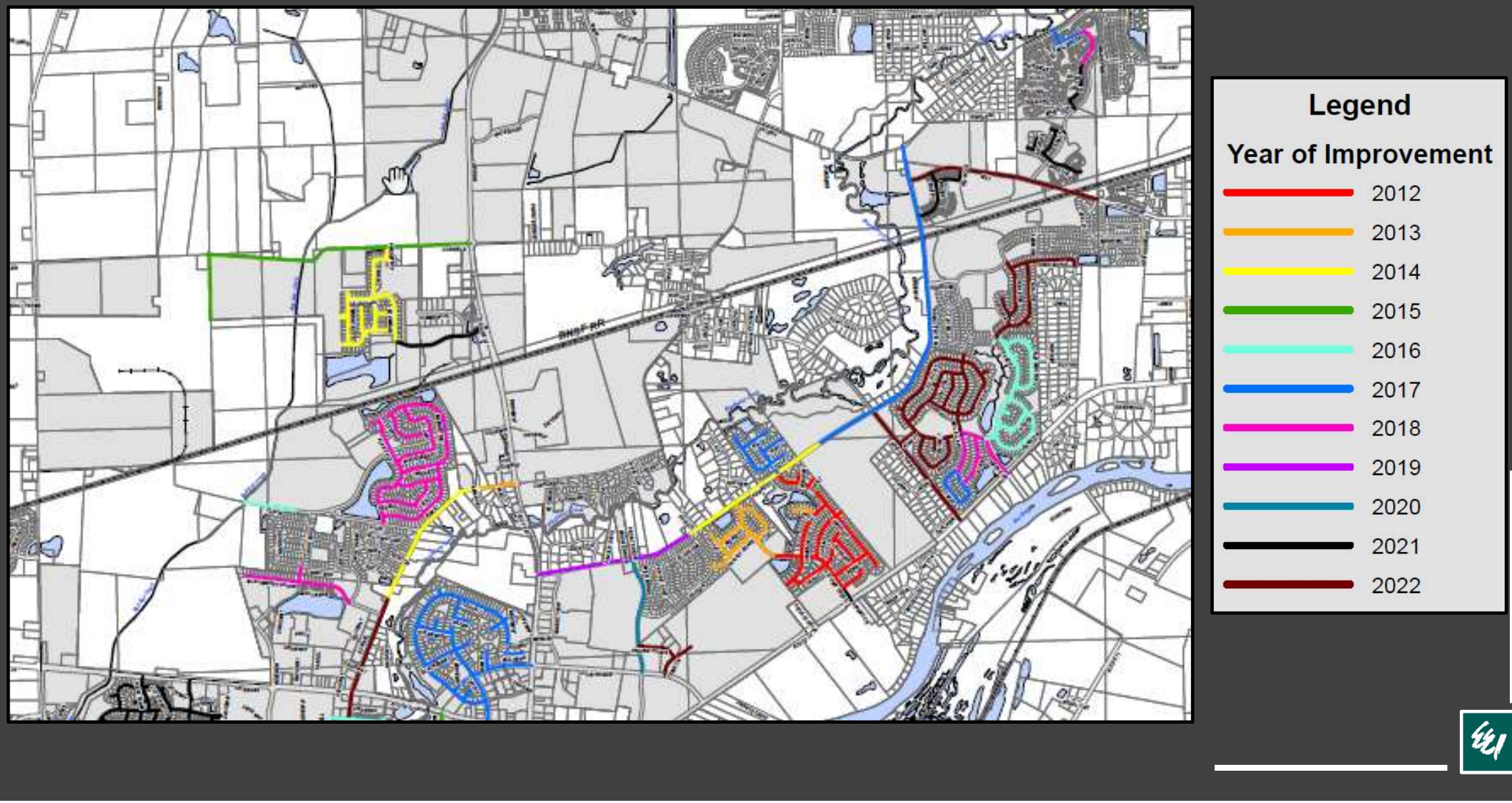

PAVING HISTORY AND
IMPROVEMENTS REVIEW

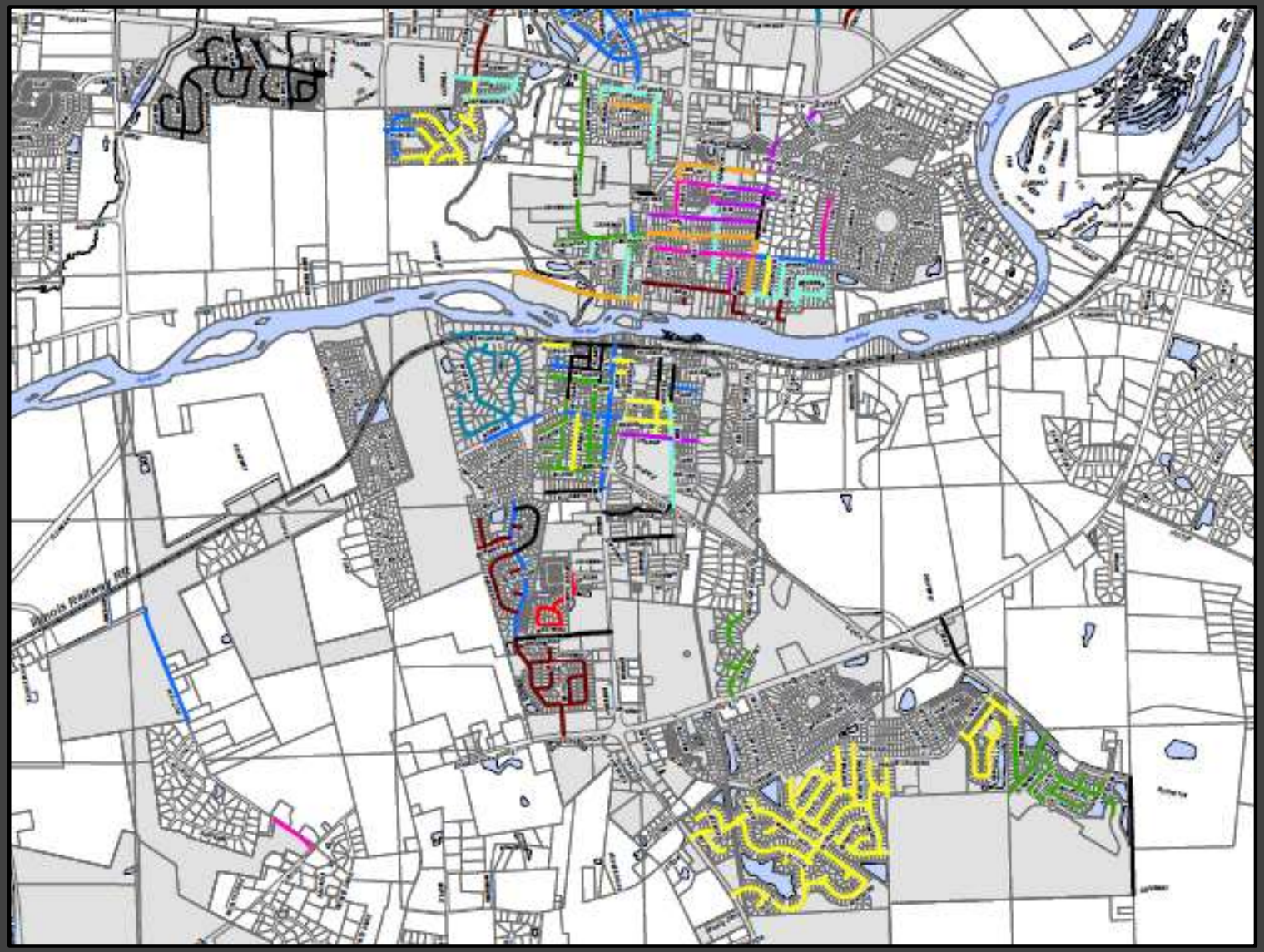
ROADWAY IMPROVEMENTS RECAP (2013-2022)

- Total of 69.8 Miles of resurfacing or 6.8 Miles/Year
  - 29.7 Miles from Developers for completion of Subdivision Streets
  - 23.4 Miles from RTBR
  - 3.4 Miles from Bonds (Countryside)
  - 3.4 Miles from Federal Grants
  - 9.9 Miles from Other Sources (ComEd, County, Rebuild & Water)



*Includes REBUILD Illinois Roadways


BNSF RR
Legend
Year of Improvement
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022



Legend

Year of Improvement

- 2012
- 2013
- 2014
- 2015
- 2016
- 2017
- 2018
- 2019
- 2020
- 2021
- 2022



RECOMMENDATIONS AND DRAFT 3-YEAR PLAN

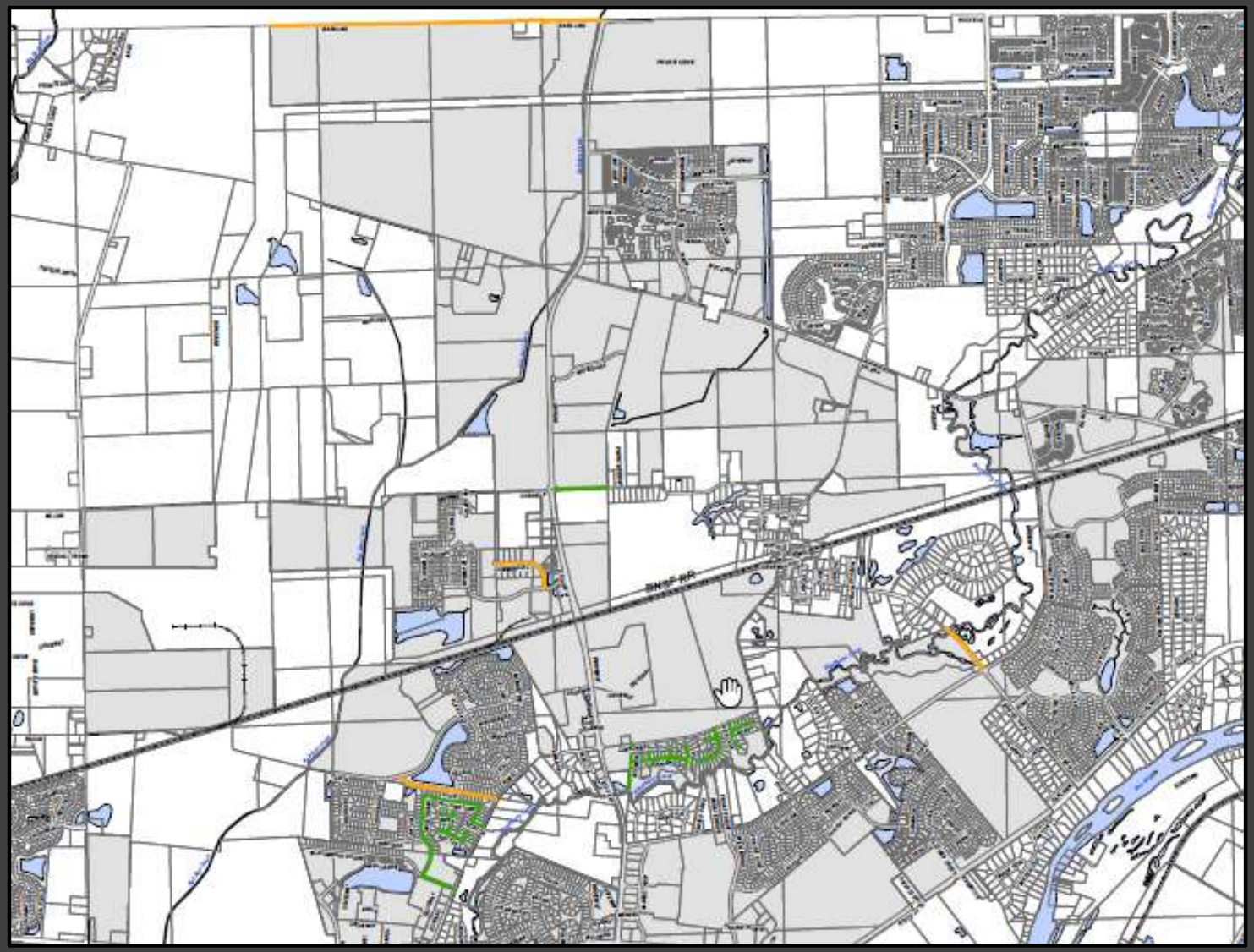
Pavement Management Next Steps

- Recommend new Pavement Management Study in 2025
- Industry Practice is to Inspect the Streets every 5-7 years
    - First inspection completed in 2012
    - Second inspection completed in 2018
    - Next inspection targeted for 2025
- Proposed Schedule
    - Roadway Inspection and Processing - 2025
    - Analysis and Draft Program - Winter 2025/2026
    - Council Presentation/Approval - Spring 2026

Draft 3-Year Plan

- Need to adopt a new plan for 2023-2025
  - Plans are re-evaluated every September for upcoming year

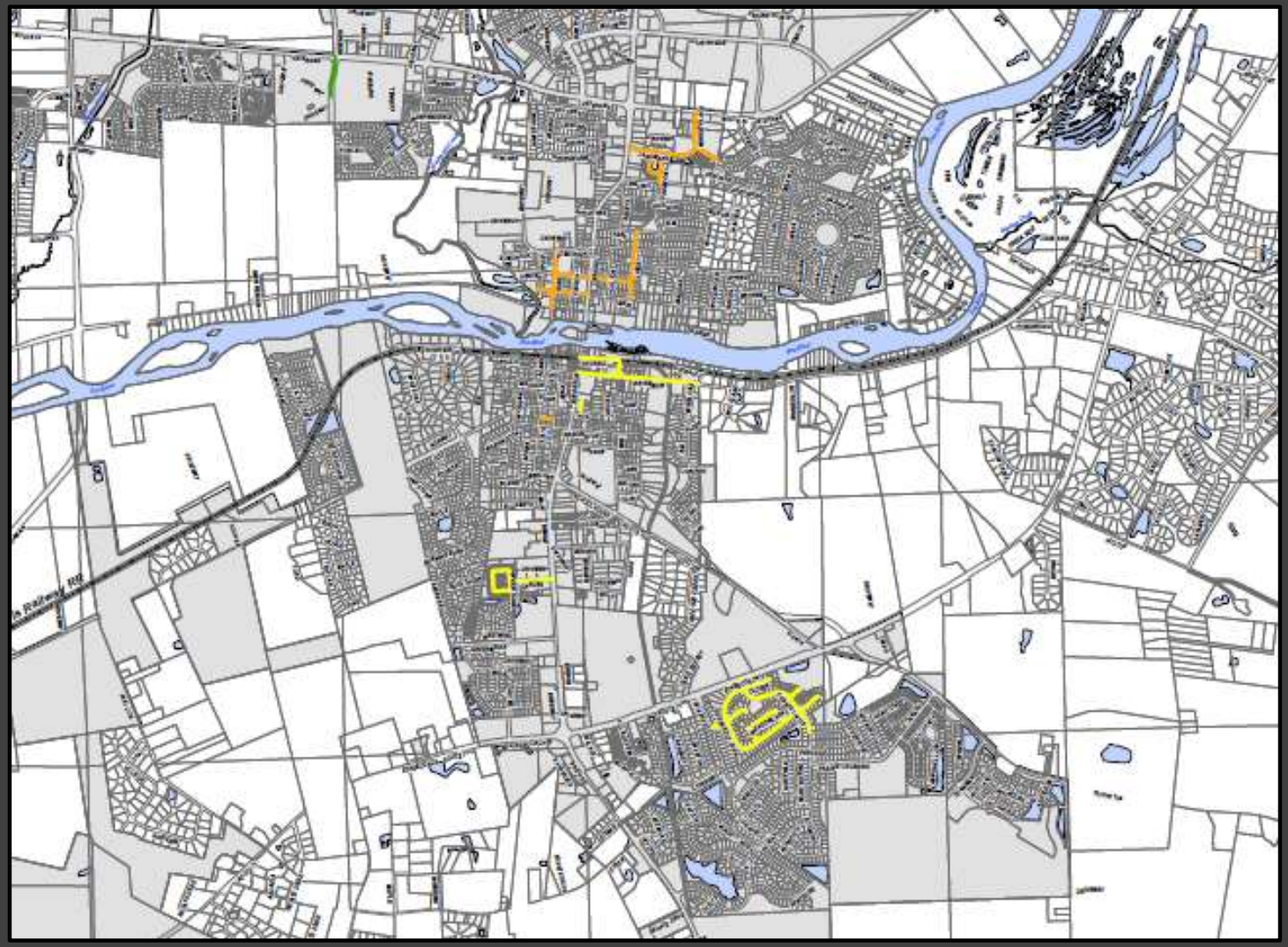
- Proposed Schedule
  - Approval of 3-Year Plan – September 27, 2022
  - Engineering Agreement Approvals (2023 Streets) – October 25, 2022
  - Bidding/Letting – February 2023
  - Construction Begins – May 2023



Legend

Year of Improvement

- 2023
- 2024
- 2025



Legend

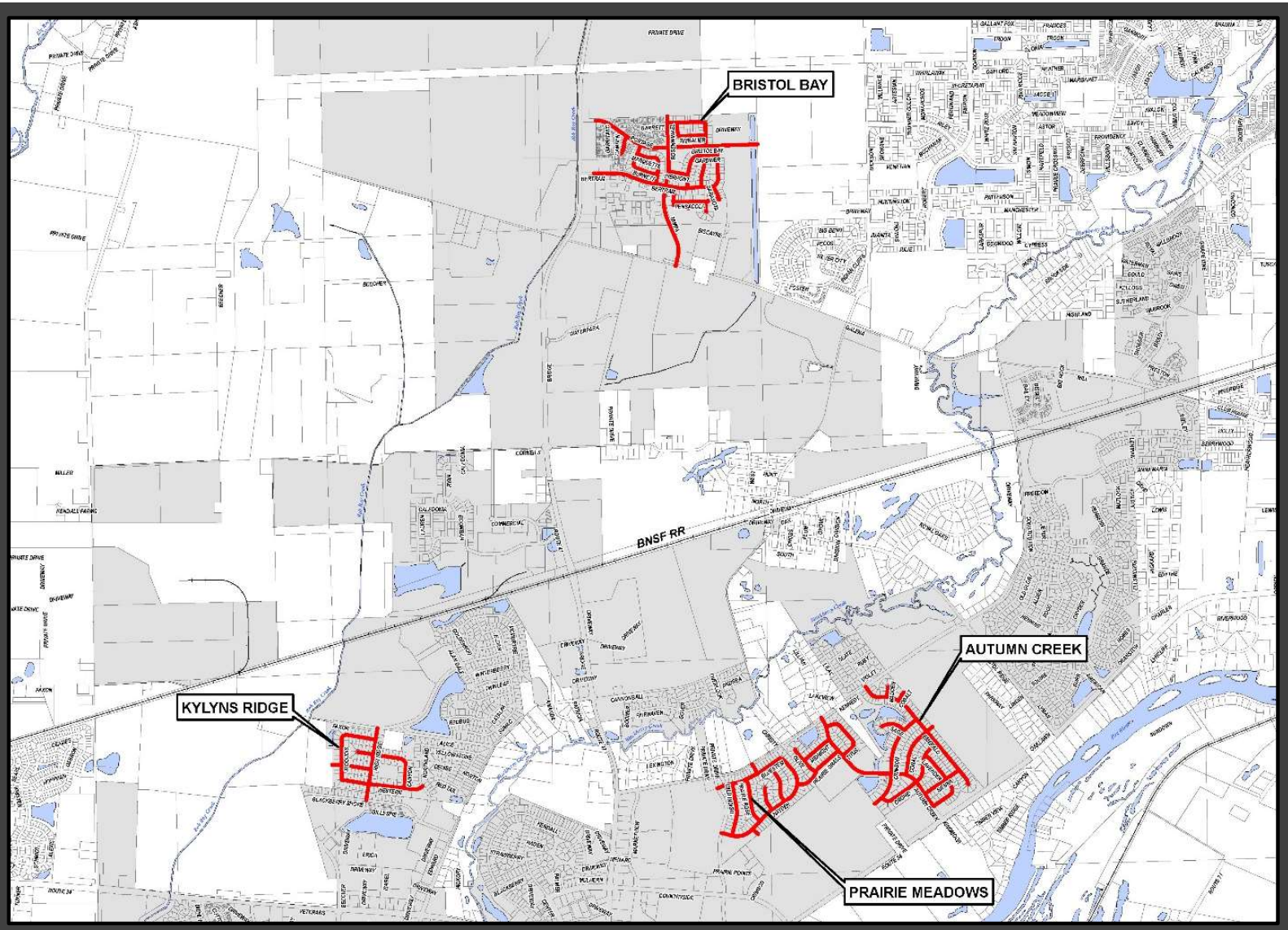
Year of Improvement

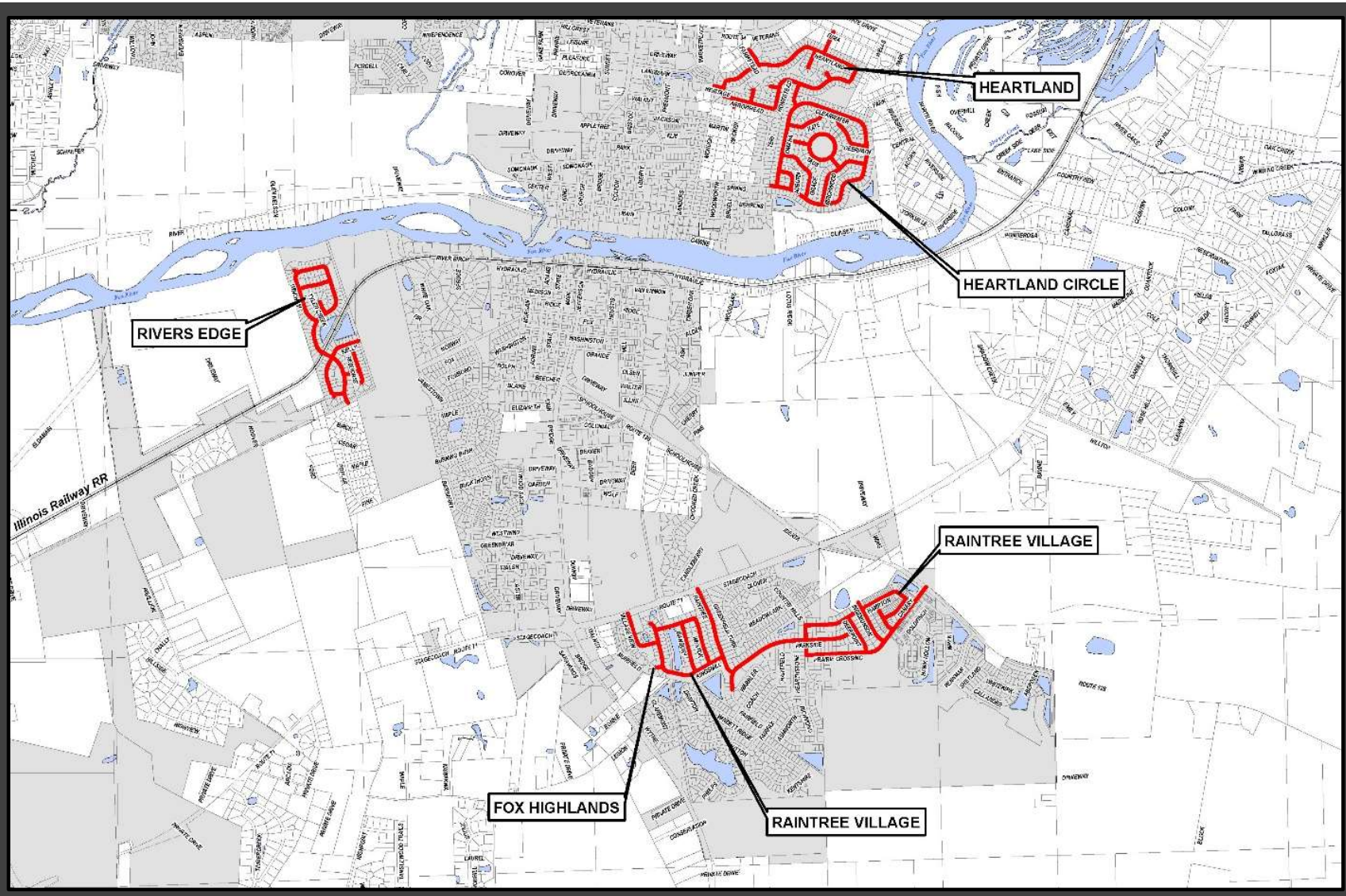
- 2023
- 2024
- 2025

2026 REHABILITATION OPTIONS AND BEYOND

2026 (FY27) STREET REHABILITATION OPTIONS								
SUBDIVISION	STRATEGY	LENGTH	AREA	WEIGHTED AVERAGE DEFLECTION CONDITION	WEIGHTED AVERAGE DYNAMIC CONDITION	WEIGHTED AVERAGE SURFACE CONDITION	WEIGHTED AVERAGE RANK	TOTAL COST
BRISTOL BAY	VARIABLE DEPTH MILL, OVERLAY 3"	4.02	61,840	100	82.9	71.0	82.1	$ 1,782,634
PRAIRIE MEADOWS	VARIABLE DEPTH MILL, OVERLAY 3"	1.76	27,400	100	87.4	67.3	82.9	$ 819,846
HEARTLAND CIRCLE	VARIABLE DEPTH MILL, OVERLAY 3"	3.13	49,120	100	85.3	74.3	83.9	$ 1,469,738
HEARTLAND	VARIABLE DEPTH MILL, OVERLAY 3"	2.02	33,945	100	88.6	70.0	84.1	$ 1,015,681
RIVERS EDGE	VARIABLE DEPTH MILL, OVERLAY 3"	2.07	33,235	100	88.5	71.4	84.5	$ 994,437
FOX HIGHLANDS/RAINTREE UNITS 1, 2 & 3	VARIABLE DEPTH MILL, OVERLAY 3"	4.42	73,010	100	91.5	70.4	84.6	$ 2,184,560
KYLYN'S	VARIABLE DEPTH MILL, OVERLAY 3"	1.64	25,230	100	89.6	72.6	84.7	$ 754,916
AUTUMN CREEK UNITS 1, 1A, 2, 2A, & 2B	VARIABLE DEPTH MILL, OVERLAY 3"	4.21	66,810	100	89.1	75.3	85.4	$ 1,999,060
							TOTAL:	$ 11,020,873

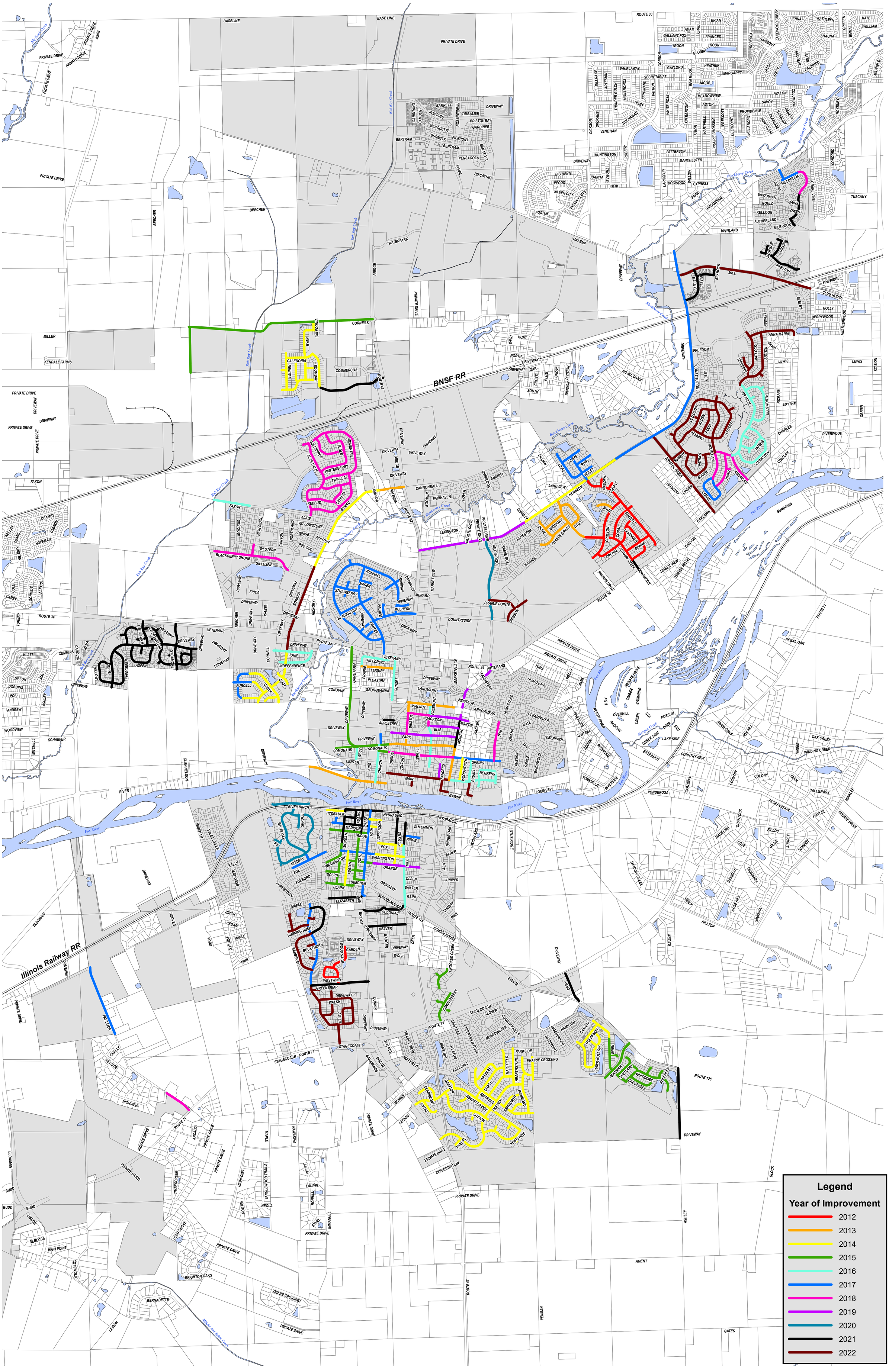
Note: All the above subdivisions are at a point on the deterioration curve where resurfacing would be recommended. There are additional subdivisions that are beyond these that are slightly behind.

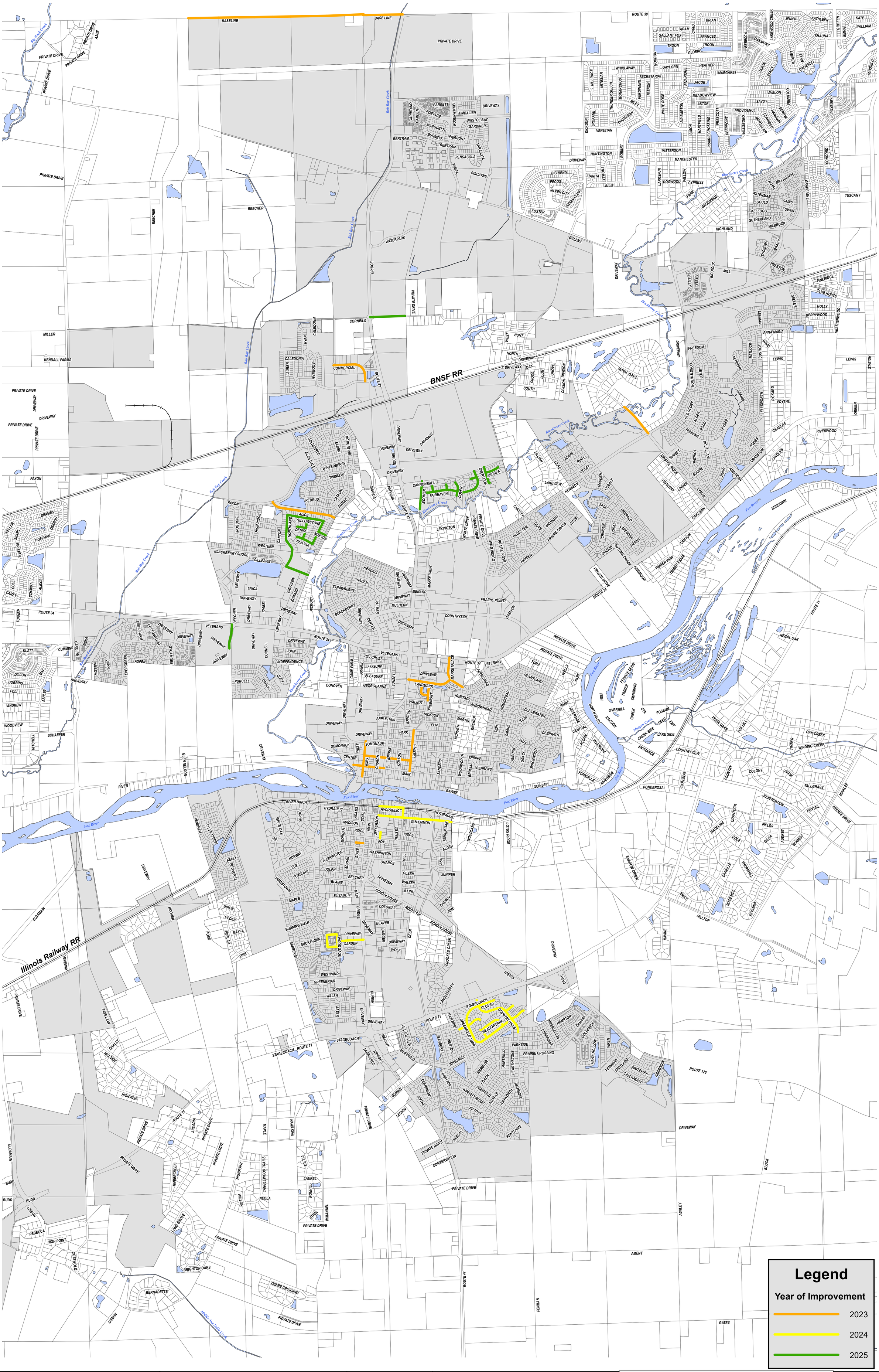

BRISTOL BAY
BNSF RR
AUTUMN CREEK
KYLYNS RIDGE
PRAIRIE MEADOWS

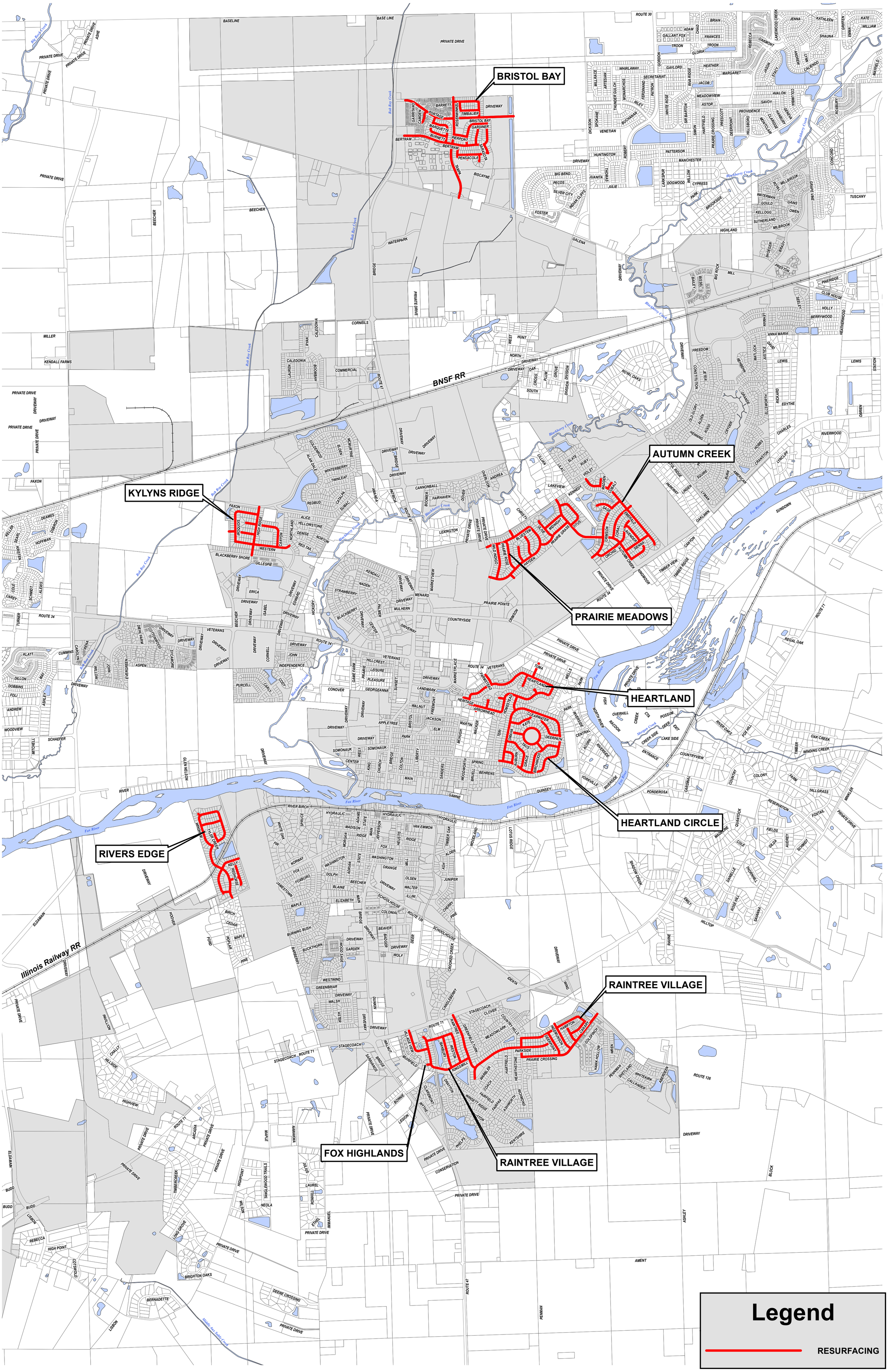

HEARTLAND
HEARTLAND CIRCLE
RIVERS EDGE
Illinois Railway RR
RAINTREE VILLAGE
FOX HIGHLANDS
RAINTREE VILLAGE

Questions or Comments?




Legend
Year of Improvement
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
BASELINE
BASE LINE
ROUTE 30
PRIVATE DRIVE
Big Rock Creek
Rob Roy Creek
Blackberry Creek
Fox River
Morgan Creek
Middle Aux Sable Creek
BNSF RR
Illinois Railway RR
BEECHER
BRIDGE
WATERPARK
GALENA
CORNELS
COMMERCIAL
ROUTE 47
ROUTE 34
ROUTE 71
ROUTE 126
BARRETT
TIMBALIER
DRIVEWAY
BRISTOL BAY
GARDINER
MARQUETTE
BURNETT
PIERPONT
BERTRAM
SARASOTA
PENSACOLA
TAMPA
BISCAYNE
BIG BEND
PECOS
SILVER CITY
INDIAN CLIFFS
FOSTER
VENETIAN
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PATTERSON
MANCHESTER
DOGWOOD
CYPRESS
WILLOW
LARKSPUR
JULIE
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ADAM
CHAD
BRIAN
FRANCES
HEATHER
MARGARET
JACOB
MEADOWVIEW
ASTOR
SIR BARTON
WHITE ROSE
RILEY
BUCHANAN
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JENNA
KATHLEEN
SHAUNA
GRIFFEN
EMMA
KATE
WILLIAM
MAYFIELD
ROXBURY
JASON
STACY
LANDREN
LYNN
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MCHIGH
WACKER
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ACORN
CENTRAL
YORKVILLE
RACOON
FISH
OVERHILL
CREEK
CYA
POSSUM
DEER
EXIT
LAKE SIDE
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DEERE CROSSING
BERNADETTE
LISBON
REBECCA
HIGH POINT
COTSWOLD
BUDD
LIBSON
ELDAMAIN
BLOCK
ASHLEY
AMENT
PENNAN
GATES
ROUTE 34
TURNER
CAROLYN
RENA
CUMMINS
KLATT
DILLON
DOBBINS
FOLI
ANDREW
WOODVIEW
SCHAEFER
MITCHELL
MAY
ASHLEY
EVERGREEN
ASPEN
JOHN
WILLOW
DIEHL FARM
COTTONWOOD
SYCAMORE
VETERANS
CORNELL
INDEPENDENCE
PURCELL
CARLY
CODY
CONOVER
GEORGEANNA
SUNSET
PRAIRIE
GAME FARM
LEISURE
PLEASURE
HILLCREST
VETERANS
DRIVEWAY
CALEDONIA
COMMERCIAL
ROUTE 47
BRIDGE
DRIVEWAY
DRIVEWAY
DRIVEWAY


BRISTOL BAY
AUTUMN CREEK
KYLYNS RIDGE
PRAIRIE MEADOWS
HEARTLAND
HEARTLAND CIRCLE
RIVERS EDGE
RAINTREE VILLAGE
FOX HIGHLANDS
RAINTREE VILLAGE
BASELINE
BASE LINE
PRIVATE DRIVE
ROUTE 30
BNSF RR
Illinois Railway RR
Rob Roy Creek
Blackberry Creek
Fox River
Big Rock Creek
Morgan Creek
BEECHER
BRIDGE
WATERPARK
GALENA
BISCAYNE
BARRETT
TIMBALIER
DRIVEWAY
BRISTOL BAY
GARDINER
MARQUETTE
BURNETT
PIERPONT
BERTRAM
PENSACOLA
TAMPA
SARASOTA
ROSEWINKEL
GARRITANO
CAMDEN
PORTAGE
BIG BEND
PECOS
SILVER CITY
INDIAN CLIFFS
FOSTER
JUANITA
JULIE
THOMAS
ROBERT
HUNTINGTON
PATTERSON
MANCHESTER
VENETIAN
DICKSON
SPOKANE
BUCHANAN
RILEY
WHIRLAWAY
SECRETARIAT
MILLRACE
ARTESIAN
THUNDER GULCH
MONARCHOS
FERDINAND
PATRON
GAYLORD
HEATHER
MARGARET
JACOB
MEADOWVIEW
ASTOR
SIR BARTON
RIVA RIDGE
WHITE ROSE
SIMON
HARTFIELD
PRAIRIE CROSSING
PRESCOTT
DEERPOINT
PROVIDENCE
HILLSBORO
MONTCLAIR
CLAIRIDGE
HAMBURY
GENEVA
SAVOY
AVALON
COLUMBIA
ROXBURY
MAYFIELD
CALIENDO
LYNN
JANDREN
STACY
JASON
REBECCA
OAKMONT
LAKEWOOD CREEK
JENNA
KATHLEEN
SHAUNA
GRIFFEN
EMMA
KATE
WILLIAM
ADAM
CHAD
BRIAN
FRANCES
GALLANT FOX
TROON
GLORIA
GORDON
DOGWOOD
LARKSPUR
WILLOW
CYPRESS
PARK
BROOKSIDE
MILLBROOK
ROYAL
WATERMAN
GOULD
GAINS
OWEN
KELLOGG
SUTHERLAND
GRAPE VINE
TUSCANY
CONCORD
HIGHLAND
MILLBROOK
SHOESER
BRADY
PRESTON
BIG ROCK MILL
BASSETT
BAILEY
SEELEY
PINERIDGE
CLUB HOUSE
HOLLY
BERRYWOOD
HEATHERWOOD
LEHMAN
ANNA MARIA
DAVID
JUSTICE
LEWIS
STATION
FREEDOM
CONSTITUTION
JETER
REINBERG
MATLOCK
ROYAL OAKS
WEST
HUNT
NORTH
SOUTH
GROVE
PLUM
CROSS
OAK
DIVISION
CORNELIS
CALEDONIA
RYAN
LAUREN
BOOKWOOD
COMMERCIAL
ROUTE 47
MILLER
KENDALL FARMS
FAXON
DEAMES
KELLER
SEARL
OSBORN
KRISTEN
HOFFMAN
COLE
SCHMIDT
ALEXIS
CAREY
TURNER
ROUTE 34
CUMMINS
CAPTAIN
REHA
KLATT
DILLON
DOBBINS
MAY
FOLI
ASHLEY
ANDREW
WOODVIEW
SCHAEFER
MITCHELL
GLEN NELSON
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GAME FARM
PRAIRIE
HILLCREST
LEISURE
PLEASURE
SUNSET
LANDMARK
MARKETPLACE
WALNUT
FREEMONT
HERITAGE
ARROWHEAD
HOMESTEAD
CLEARWATER
KATE
DEERPATH
OMAHA
AUBURN
GRACE
BIRCHWOOD
TERI
TUMA
PARKSTEAD
HEARTLAND
WELLS
PARK
RIVERSIDE
CENTRAL
ACORN
OVERHILL
CREEK
CIA
POSSUM
RACOON
DEER
EXIT
CREEK SIDE
LAKE SIDE
ENTRANCE
COUNTRYVIEW
YORKVILLE
RIVERSIDE
FISH
NORTH RIVER
RIVER OAKS
FOX HILL
OAK CREEK
TIMBER
WINDING CREEK
PONDEROSA
CARDINAL
COUNTRY
COLONY
FARM
TALLGRASS
RESERVATION
FOXTAIL
MINKLER
PRIVATE DRIVE
QUANTOCK
MADELINE
COLE
FIELDS
GILDA
AUDREY
SCHMIDT
SHADOW CREEK
DANIELLE
THORNHILL
ROSE HILL
SAVANNA
EMILY
HILLTOP
RAVINE
ELDAMAIN
HOOVER
FORD
BIRCH
CEDAR
POPLAR
MAPLE
PINE
PAVILLION
CHALLY
HILLSIDE
HIGHVIEW
ROUTE 71
ARCADIA
TIMBERCREEK
LONG GROVE
BRIGHTON OAKS
BUDD
LISBON
REBECCA
HIGH POINT
COTSWOLD
BERNADETTE
DEERE CROSSING
Middle Aux Sable Creek
NEOLA
NILSON
HIGHPOINT
TANGLEWOOD TRAILS
MAPLE
WAWKEMA
SILVER
LAUREL
RONHILL
ETHEL
IMMANUEL
LEGION
PHELPS
KENTSHIRE
CONSERVATION
AMENT
ROUTE 47
PENMAN
ASHLEY
BLOCK
ROUTE 126
ROUTE 11
REGAL OAK
SUNDOWN
CANYON
DARLAWN
TIMBER VIEW
TIMBER RIDGE
KINGMOOR
PRAIRIE POINTE
COUNTRYSIDE
CRIMSON
MARKETVIEW
MENARD
MULHERN
PALMER
CENTER
BLACKBERRY
STRAWBERRY
NADEN
KENDALL
ERICA
EDWARD
HICKORY
ISABEL
BEECHER
VILLAGE VIEW
RAINTREE
GREENFIELD TURN
COUNTRY HILLS
MEADOWLARK
STAGECOACH
CLOVER
HAMPTON
CANARY
GOLDFINCH
WREN
HAWK HOLLOW
PENNIMAN
SHETLAND
CALLANDER
ABERDEEN
WHITEKIRK
PARKSIDE
PRAIRIE CROSSING
INGERMUNSON
DEERPOINT
WESTON
BANBURY
KINGSMILL
WARBLER
HARTFIELD
HEARTHSTONE
COACH
FAIRFIELD
FAIRFAX
ASHWORTH
RICHMOND
WINDETT RIDGE
DRAYTON
CLAREMONT
WYTHE
MUIRFIELD
SARANMOS
WALNUT
BONNIE
IDENTA
WING
CANDLEBERRY
CROOKED CREEK
SCHOOLHOUSE
COLONIAL
ROUTE 126
BEAVER
BADGER
DEER
WOLF
GARDEN
WOODSAGE
BUCKTHORN
BURNING BUSH
BARBERRY
WESTWIND
GREENBRIAR
WALSH
DUNKIN
ASTER
JAMESTOWN
MAPLE
ELIZABETH
MAIN
BEECHER
WASHINGTON
ADRIAN
STATE
DOLPH
FOXBORO
FOX
NORWAY
ORANGE
MILL
OLSEN
WALTER
ILLINI
JUNIPER
ALDER
ASH
CHERRY
PINE
MORGAN
RIDGE
MADISON
JEFFERSON
HEUSTIS
VAN EMMON
TIMBER OAK
WOODLAND
LOUIS RIDGE
SPRUCE
WHITE OAK
FIR
ADAMS
HYDRAULIC
RIVER BIRCH
WINDING
TYLER CREEK
KELLY
REDHORSE
SHEFFIELD
SQUIRE
BURR
AMERICAN
LYMAN
LINDEN
PARKWAY
OLD GLORY
ALDEN
ROOD
CRYDER
HENNING
HOBBS
CRANSTON
LYNCLIFF
CHARLES
EDYTHE
RICKARD
ELLSWORTH
GRANDE
OBRIEN
LILLIAN
LILAC
SLATE
RUBY
VIOLET
MADDEN
COBALT
KENNEDY
LAKEVIEW
OVERLOOK
ANDREA
CANNONBALL
DOVER
FAIRHAVEN
BOOMER
AMANDA
PATRICIA
CHRISTY
OLIVE
MIDNIGHT
TITUS
PRAIRIE GRASS
BLUESTEM
WILD INDIGO
PRAIRIE ROSE
HAYDEN
SAGE
EMERALD
CRIMSON
CORAL
LAVENDER
ORCHID
AUTUMN CREEK
SIENNA
GOLDENROD
ALAN DALE
ELDEN
MCMURTRIE
WINTERBERRY
TWINLEAF
CATALPA
SUMAC
REDBUD
ALICE
YELLOWSTONE
DENISE
NORTON
RED TAIL
WESTERN
CANYON
NORTHLAND
HIGH RIDGE
IROQUOIS
BLACKBERRY SHORE
GILLESPIE
LEXINGTON
PRIVATE DRIVE
BRIDGE
DRIVEWAY
PRAIRIE DRIVE
PRIVATE DRIVE
ROUTE 34
PRIVATE DRIVE
PRIVATE DRIVE
PRIVATE DRIVE

RTBR PROGRAM UPDATE
United City of Yorkville
SEPTEMBER 2022

PROPOSED RTBR PROGRAM FUNDING

2023 (FY24) STREET REHABILITATION LIST										
STREET	**FROM**	**TO**	**STRATEGY**	**LENGTH**	**AREA**	**DEFLECTION CONDITION**	**DYNAMIC CONDITION**	**SURFACE CONDITION**	**CURRENT RANK**	**COST**
ALICE AVENUE	FAXON ROAD	CANNONBALL TRAIL	VARIABLE DEPTH MILL, OVERLAY 3"	2,377	9,500	100	91	54	78	$ 220,900
ALLEY	STATE STREET	MAIN STREET	MILL 4", OVERLAY 4"	310	650	N/A	N/A	N/A	N/A	$ 31,100
BRISTOL RIDGE ROAD	KENNEDY ROAD	CITY LIMITS	VARIABLE DEPTH MILL, OVERLAY 3"	1,015	3,710	100	100	58	84	$ 83,400
COMMERCIAL DRIVE	WEST END	BOOMBAH BOULEVARD	VARIABLE DEPTH MILL, OVERLAY 3"	1,578	6,770	100	94	72	87	$ 159,500
DALTON AVENUE	LANDMARK AVENUE	FREEMONT STREET	VARIABLE DEPTH MILL, OVERLAY 3"	670	2,200	100	86	64	83	$ 64,800
E CENTER STREET	IL ROUTE 47	LIBERTY STREET	VARIABLE DEPTH MILL, OVERLAY 3"	754	1,820	100	90	71	86	$ 53,500
FREEMONT STREET	WALNUT STREET	LANDMARK AVENUE	VARIABLE DEPTH MILL, OVERLAY 3"	605	2,195	100	88	82	84	$ 65,700
KING ST	W RIVER STREET	W SOMONAUK STREET	MILL 4", OVERLAY 4"	1,185	3,440	100	84	56	69	$ 192,200
LANDMARK AVENUE	IL ROUTE 47	MARKETPLACE DRIVE	VARIABLE DEPTH MILL, OVERLAY 3"	1,440	4,640	100	90	69	85	$ 138,600
LIBERTY STREET	E PARK STREET	E MAIN STREET	VARIABLE DEPTH MILL, OVERLAY 3"	1,315	3,440	100	82	71	81	$ 96,700
MARKETPLACE DRIVE	US ROUTE 34	MCHUGH ROAD	VARIABLE DEPTH MILL, OVERLAY 3"	1,170	4,370	100	99	60	85	$ 128,400
W CENTER STREET	WEST END	IL ROUTE 47	MILL 4", OVERLAY 4"	1,850	3,800	100	86	64	73	$ 86,500
W. CENTER STREET PARKING LOT			MILL 4", OVERLAY 4"	N/A	1,320	N/A	N/A	N/A	N/A	$ 38,200
W MAIN STREET	WEST END	IL ROUTE 47	MILL 4", OVERLAY 4"	910	2,890	100	83	62	80	$ 109,100
MISCELLANEOUS CITY WIDE CRACK SEALING				N/A	N/A	N/A	N/A	N/A	N/A	$ 35,000
MISCELLANEOUS CITY WIDE STRIPING				N/A	N/A	N/A	N/A	N/A	N/A	$ 62,000
PAVEMENT REJUVENATION (2022 RESURFACING STREETS)				N/A	N/A	N/A	N/A	N/A	N/A	$ 115,000
									TOTAL:	**$ 1,680,600**

PROPOSED CITY-WIDE CAPITAL FUNDING

BASELINE ROAD	IL ROUTE 47	CITY LIMITS	GRIND 5", OVERLAY 5"	7,450	18220	100	69	38	40	$ 654,000.00
									TOTAL:	**$ 654,000.00**

RTBR PROGRAM UPDATE
United City of Yorkville
SEPTEMBER 2022

PROPOSED RTBR PROGRAM FUNDING

2024 (FY25) STREET REHABILITATION LIST

STREET	FROM	TO	STRATEGY	LENGTH	AREA	DEFLECTION CONDITION	DYNAMIC CONDITION	SURFACE CONDITION	CURRENT RANK	COST
BELL STREET	E FOX STREET	NORTH END	VARIABLE DEPTH MILL, OVERLAY 3"	188	585	100	93	36	71	$ 13,750
CLOVER COURT	COUNTRY HILLS DRIVE	DEAD END	VARIABLE DEPTH MILL, OVERLAY 3"	666	2,120	100	82	69	82	$ 58,648
COUNTRY HILLS DRIVE	IL ROUTE 71	HAMPTON LANE	VARIABLE DEPTH MILL, OVERLAY 3"	2,020	6,960	100	93	68	84	$ 192,541
E HYDRAULIC AVENUE	IL ROUTE 47	MILL STREET	VARIABLE DEPTH MILL, OVERLAY 3"	836	3,044	100	80	70	84	$ 78,827
E VAN EMMON STREET	IL ROUTE 47	CITY LIMIT	VARIABLE DEPTH MILL, OVERLAY 3"	2,734	10,160	100	95	72	85	$ 281,066
FAWN RIDGE COURT	COUNTRY HILLS DRIVE	DEAD END	VARIABLE DEPTH MILL, OVERLAY 3"	505	2,340	100	87	71	84	$ 64,734
GARDEN CIRCLE	GARDEN STREET	GARDEN STREET	VARIABLE DEPTH MILL, OVERLAY 3"	1,573	5,350	100	89	66	84	$ 148,002
GARDEN STREET	IL ROUTE 47	GARDEN CIRCLE	VARIABLE DEPTH MILL, OVERLAY 3"	935	3,365	100	94	66	85	$ 93,089
GREENFIELD TURN	COUNTRY HILLS DRIVE	COUNTRY HILLS DRIVE	VARIABLE DEPTH MILL, OVERLAY 3"	3,195	9,175	100	87	68	81	$ 253,817
HARVEST TRAIL	COUNTRY HILLS DRIVE	DEAD END	VARIABLE DEPTH MILL, OVERLAY 3"	330	1,180	100	96	69	87	$ 32,644
MEADOWLARK COURT	MEADOWLARK LANE	DEAD END	VARIABLE DEPTH MILL, OVERLAY 3"	161	1,010	100	66	73	78	$ 27,941
MEADOWLARK LANE	GREENFIELD TURN	GREENFIELD TURN	VARIABLE DEPTH MILL, OVERLAY 3"	1,306	4,280	100	80	65	84	$ 118,402
MILL STREET	E VAN EMMON STREET	E HYDRAULIC AVENUE	VARIABLE DEPTH MILL, OVERLAY 3"	367	800	100	92	69	85	$ 16,973
SUNNY DELL COURT	GREENFIELD TURN	DEAD END	VARIABLE DEPTH MILL, OVERLAY 3"	564	2,125	100	90	66	84	$ 58,786
SUNNY DELL LANE	GREENFIELD TURN	RAINTREE ROAD	VARIABLE DEPTH MILL, OVERLAY 3"	290	920	100	84	66	80	$ 25,451
MISCELLANEOUS CITY WIDE CRACK SEALING				N/A	N/A	N/A	N/A	N/A	N/A	$ 35,000
MISCELLANEOUS CITY WIDE STRIPING				N/A	N/A	N/A	N/A	N/A	N/A	$ 62,000
PAVEMENT REJUVENATION (2023 RESURFACING STREETS)				N/A	N/A	N/A	N/A	N/A	N/A	$ 74,000
									TOTAL:	**$ 1,635,671**

RTBR PROGRAM UPDATE
United City of Yorkville
SEPTEMBER 2022

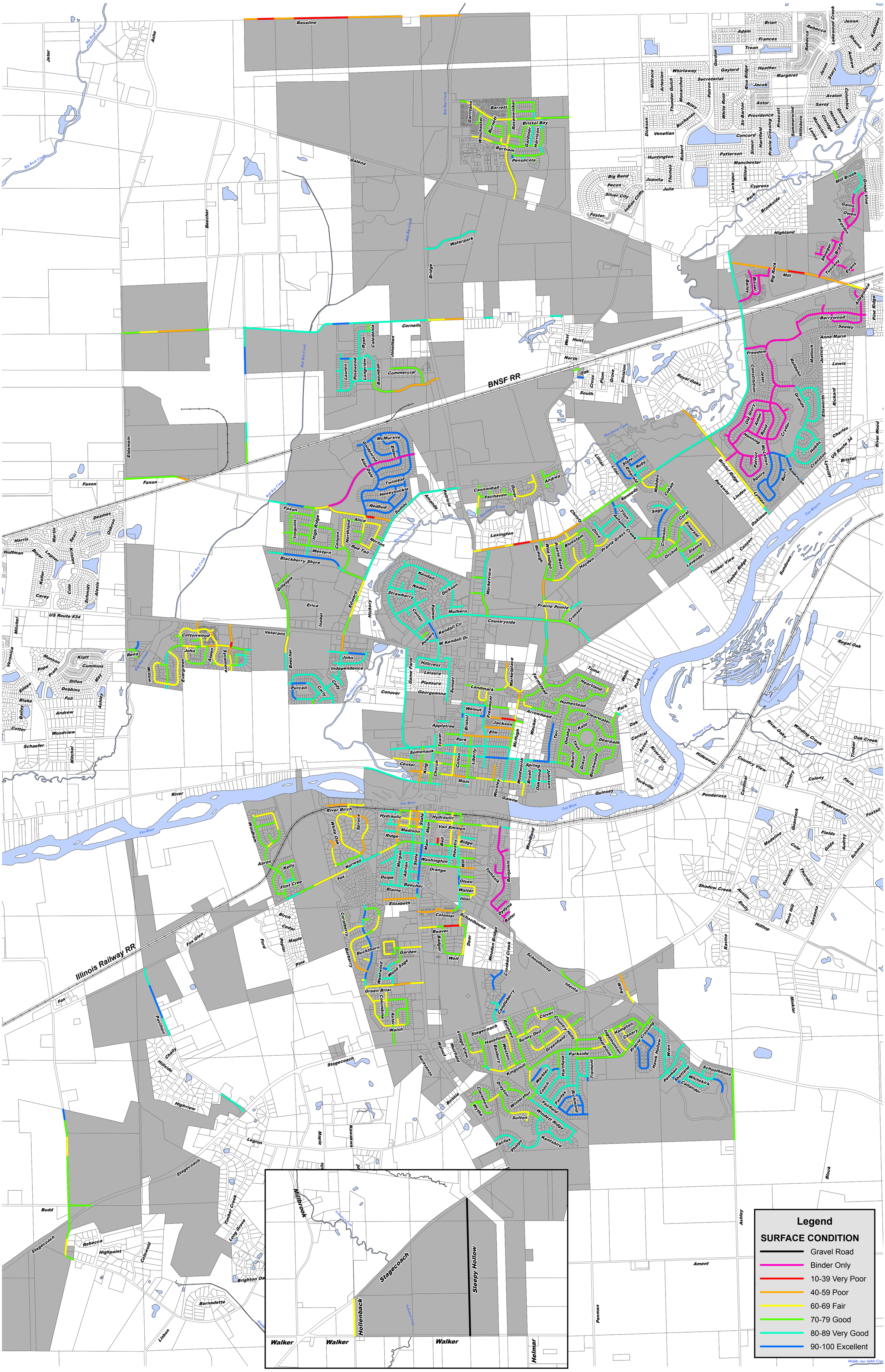
PROPOSED RTBR PROGRAM FUNDING

2025 (FY26) STREET REHABILITATION LIST										
STREET	**FROM**	**TO**	**STRATEGY**	**LENGTH**	**AREA**	**DEFLECTION CONDITION**	**DYNAMIC CONDITION**	**SURFACE CONDITION**	**CURRENT RANK**	**COST**
ALAN DALE LANE	ALICE AVE	RED TAIL COURT	VARIABLE DEPTH MILL, OVERLAY 3"	1,013	3,130	100	86	65	81	$ 84,297
ANDREA COURT	OVERLOOK COURT	EAST END	VARIABLE DEPTH MILL, OVERLAY 3"	587	2,300	100	91	72	86	$ 66,172
BEECHER ROAD	US ROUTE 34	JOHN STREET	VARIABLE DEPTH MILL, OVERLAY 3"	880	4,640	100	92	69	84	$ 113,421
BLACKBERRY SHORE LANE	NORTHLAND LANE	CANNONBALL TRAIL	MILL 3", OVERLAY 3"	863	4,790	100	95	72	87	$ 117,088
BOOMER LANE	CANNONBALL TRAIL	SOUTH END	VARIABLE DEPTH MILL, OVERLAY 3"	950	2,125	100	91	68	83	$ 51,944
CHESHIRE COURT	FAIRHAVEN DRIVE	WEST END	VARIABLE DEPTH MILL, OVERLAY 3"	305	1,310	100	87	64	82	$ 37,689
CORNEILS ROAD	IL ROUTE 47	CITY LIMIT	VARIABLE DEPTH MILL, OVERLAY 3"	1,320	3,100	100	95	58	83	$ 68,400
DENISE COURT	ALAN DALE LANE	WEST END	VARIABLE DEPTH MILL, OVERLAY 3"	400	1,640	100	88	73	85	$ 47,184
DOVER COURT (N)	NORTH END	FAIRHAVEN DRIVE	VARIABLE DEPTH MILL, OVERLAY 3"	384	1,660	100	81	66	80	$ 47,759
DOVER COURT (S)	FAIRHAVEN DRIVE	SOUTH END	VARIABLE DEPTH MILL, OVERLAY 3"	213	1,120	100	68	66	73	$ 32,223
ESSEX COURT	FAIRHAVEN DRIVE	NORTH END	VARIABLE DEPTH MILL, OVERLAY 3"	279	1,250	100	80	69	81	$ 35,963
FAIRHAVEN DRIVE	BOOMER LANE	CANNONBALL TRAIL	VARIABLE DEPTH MILL, OVERLAY 3"	2,752	7,460	100	87	66	83	$ 200,912
MEADOWVIEW LANE	YELLOWSTONE LANE	RED TAIL LANE	VARIABLE DEPTH MILL, OVERLAY 3"	879	2,980	100	80	61	78	$ 85,736
NEWBURY COURT	FAIRHAVEN DRIVE	NORTH END	VARIABLE DEPTH MILL, OVERLAY 3"	292	1,280	100	75	71	80	$ 36,826
NORTHLAND LANE	BLACKBERRY SHORE LANE	YELLOWSTONE LANE	VARIABLE DEPTH MILL, OVERLAY 3"	1,992	6,310	100	79	70	78	$ 169,940
NORTON LANE	MEADOWVIEW LANE	CANNONBALL TRAIL	VARIABLE DEPTH MILL, OVERLAY 3"	312	760	100	88	69	84	$ 21,866
OVERLOOK COURT	CANNONBALL TRAIL	SOUTH END	VARIABLE DEPTH MILL, OVERLAY 3"	669	2,630	100	79	72	82	$ 75,667
RED TAIL COURT	ALAN DALE LANE	WEST END	VARIABLE DEPTH MILL, OVERLAY 3"	282	1,470	100	78	71	81	$ 42,293
RED TAIL LANE	RED TAIL COURT	MEADOWVIEW LANE	VARIABLE DEPTH MILL, OVERLAY 3"	407	1,550	100	75	61	75	$ 44,594
YELLOWSTONE LANE	NORTHLAND LANE	MEADOWVIEW LANE	VARIABLE DEPTH MILL, OVERLAY 3"	1,312	3,910	100	71	66	76	$ 105,303
MISCELLANEOUS CITY WIDE CRACK SEALING				N/A	N/A	N/A	N/A	N/A	N/A	$ 35,000
MISCELLANEOUS CITY WIDE STRIPING				N/A	N/A	N/A	N/A	N/A	N/A	$ 62,000
PAVEMENT REJUVENTATION (2024 RESURFACING)				N/A	N/A	N/A	N/A	N/A	N/A	$ 59,500
									TOTAL:	**$ 1,641,777**

RTBR PROGRAM UPDATE
United City of Yorkville
SEPTEMBER 2022

PROPOSED RTBR PROGRAM FUNDING

2026 (FY27) STREET REHABILITATION OPTIONS								
SUBDIVISION	**STRATEGY**	**LENGTH**	**AREA**	**WEIGHTED AVERAGE DEFLECTION CONDITION**	**WEIGHTED AVERAGE DYNAMIC CONDITION**	**WEIGHTED AVERAGE SURFACE CONDITION**	**WEIGHTED AVERAGE RANK**	**TOTAL COST**
BRISTOL BAY	VARIABLE DEPTH MILL, OVERLAY 3"	4.02	61,840	100	82.9	71.0	82.1	$ 1,782,634
PRAIRIE MEADOWS	VARIABLE DEPTH MILL, OVERLAY 3"	1.76	27,400	100	87.4	67.3	82.9	$ 819,846
HEARTLAND CIRCLE	VARIABLE DEPTH MILL, OVERLAY 3"	3.13	49,120	100	85.3	74.3	83.9	$ 1,469,738
HEARTLAND	VARIABLE DEPTH MILL, OVERLAY 3"	2.02	33,945	100	88.6	70.0	84.1	$ 1,015,681
RIVERS EDGE	VARIABLE DEPTH MILL, OVERLAY 3"	2.07	33,235	100	88.5	71.4	84.5	$ 994,437
FOX HIGHLANDS/RAINTREE UNITS 1, 2 & 3	VARIABLE DEPTH MILL, OVERLAY 3"	4.42	73,010	100	91.5	70.4	84.6	$ 2,184,560
KYLYN'S	VARIABLE DEPTH MILL, OVERLAY 3"	1.64	25,230	100	89.6	72.6	84.7	$ 754,916
AUTUMN CREEK UNITS 1, 1A, 2, 2A, & 2B	VARIABLE DEPTH MILL, OVERLAY 3"	4.21	66,810	100	89.1	75.3	85.4	$ 1,999,060
							TOTAL:	**$ 11,020,873**



Engineering Enterprises, Inc.
52 Wheeler Road
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www.eeiweb.com

United City of Yorkville
800 Game Farm Road
Yorkville, IL 60560

DATE:	OCTOBER 2018
PROJECT NO.:	YO1815-C
BY:	CJO
PATH:	H:\GIS\PUBLIC\YORKVILLE\2018\YO1815
FILE:	YO1815 CURRENT SURFACE RANK.MXD

PAVEMENT MANAGEMENT SYSTEM UPDATE 2018

UNITED CITY OF YORKVILLE, ILLINOIS

CURRENT SURFACE CONDITION

NORTH





PRIVATE DRIVE

PRIVATE DRIVE

TURN AROUND

KING ST
TO BE REMOVED

TURN-OUT FOR
HYDRANT FLUSHING
TO REMAIN

ALTERNATIVE ACCESS
TO NEIGHBORHOOD
FROM CHURCH ST

W Main St

King St

Church St

N Bridg

W River St

S Bridge St

Legend

HYDRANT

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United City of Yorkville
800 Game Farm Road
Yorkville, IL 60560
630-553-4350
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NO.	DATE	REVISIONS

DATE: SEPTEMBER 2022
PROJECT NO.: YO2239
BY: MJT
PATH: H:\GIS\PUBLIC\YORKVILLE\2022\
FILE: YO2245_King Street Sight Distance Modifications

200 100 0 Feet

KING STREET MODIFICATIONS

N



KING STREET CURB



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NO.	DATE	REVISIONS

DATE: SEPTEMBER 2022
PROJECT NO.: YO2239
BY: MJT
PATH: H:\GIS\PUBLIC\YORKVILLE\2022\
FILE: YO2245_King Street Sight Distance Modifications

300 150 0 Feet

2023 RTBR FULL CURB REPLACEMENT EXHIBIT

N

Reviewed By:	
Legal	☐
Finance	☐
Engineer	☐
City Administrator	■
Community Development	☐
Purchasing	☐
Police	☐
Public Works	☐
Parks and Recreation	■

Agenda Item Number

Mayor's Report #4

Tracking Number

CC 2022-42

Agenda Item Summary Memo

Title: Riverfront Park & Marge Cline Whitewater Fox River Trail Request

Meeting and Date: City Council – September 27, 2022

Synopsis:

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Majority

Council Action Requested: Approval

Submitted by: Tim Evans (Name) Parks and Recreation (Department)

Agenda Item Notes:

Have a question or comment about this agenda item?
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Memorandum

To: Yorkville City Council
From: Tim Evans, Director of Parks and Recreation
CC: Bart Olson, City Administrator
Date: 9/21/2022
Subject: Riverfront Park & Marge Cline Whitewater Fox River Trail Request

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Subject

Riverfront Park & Marge Cline Whitewater Fox River Trail Request

Background

Recently, the Fabulous Fox! Water Trail (FF!WT) organization, which Wisconsin and Illinois have partnered with the National Park Service to create the Fabulous Fox River Water Trail, contacted staff requesting permission to include Riverfront Park and the Marge Cline Whitewater Course in Fabulous Fox! Water Trail. This organization's mission is to develop and support a sustainable, 200-mile water trail on the Fox River. Their brochure and map are attached. The Fabulous Fox Water Trail from Menomonee Falls, Wisconsin to the confluence with the Illinois River in Ottawa, Illinois provides suitable access for the public to enjoy quiet and active recreation, scenic beauty, abundant wildlife with historical and cultural features. The idea is that communities along the Fox River will embrace stewardship and public engagement to create and maintain a defined sense of place.

The FF!WT goals include the following:

a) Education: recognize the geologic and human history, cultural and natural resources, and abundant wildlife making homes in and along the river.
b) Protection: advocate for the environment and water quality.
c) Engagement: invite communities to join in preserving, protecting, and promoting the river.

As part of being included with the FFWT, Riverfront Park and Marge Whitewater Course will also be included in their application to the National Park Service for designation into their National Water Trails System. While there is no cost to the City to be a part of this map and application, the FF!WT is asking the City to assist with a sign, attached, within the park highlighting the water trail, Riverfront Park and Marge Cline Whitewater Course. Staff supports this request as any information to the public potentially draws visitors to Riverfront Park, Marge Cline Whitewater Course and the City of Yorkville. Their draft letter and resolution are attached.

Recommendation

Staff seeks City Council approval of Riverfront Park and Marge Whitewater Course being included in the Fabulous Fox! Water Trail (FF!WT).

Resolution No. 2022-___

AUTHORIZING SUPPORT AND PERMISSION FOR INCLUSION OF THE MARGE CLINE WHITEWATER COURSE ACCESS SITE IN THE FABULOUS FOX! WATER TRAIL

WHEREAS, the Fox River is recognized as a major natural resource corridor with potential for recreation, scenic and historic trails and for economic development of river communities; and

WHEREAS, the National Park Service's National Water Trails System is a collaborative effort administered by the National Park Service; and

WHEREAS, the United City of Yorkville enjoys the beautiful and scenic Fox River as part of their community and as a clean, drinkable water source; and

WHEREAS, the United City of Yorkville has an outstanding open space system and is engaged in development of river access and diverse recreational opportunities along the Fox River to serve the needs of residents and visitors alike; and

WHEREAS, the United City of Yorkville encourages and supports efforts to enhance economic development along the riverfront and revitalization of river communities; and

WHEREAS, the mission of the Fabulous Fox! Water Trail is to establish and interpret a Fox River Water Trail along the 200 + mile river course from the headwaters in Waukesha County, Wisconsin to the confluence with the Illinois River in Ottawa, Illinois to provide access for all to the natural resources, recreational opportunities, scenic beauty, and historic and cultural assets of the Fox River Valley; and

WHEREAS, the objectives of the Fabulous Fox! Water Trail includes promoting ecotourism and recreational opportunities throughout the River corridor, enhancing community recognition of the unique assets of the Fox River and supporting economic development and revitalization of river communities.

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

Section 1. That the United City of Yorkville hereby supports inclusion of the Marge Cline Whitewater Course access site in the Fabulous Fox! Water Trail seeking designation as a National Water Trail as part of the National Water Trail System.

Section 2. Each section, clause, and provision of this Resolution shall be considered as separable, and the invalidity of one or more shall not have any effect upon the validity of other sections, clauses, or provisions of this Resolution

Section 3. That this resolution shall be in full force and effect upon its passage and approval as provided by law.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this ____ day of _____, A.D. 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 _____, A.D. 2022.

_____

MAYOR

Choose your Paddle
something for everyone

Whether canoe, kayak, or paddle board, paddlers of every level and interest will find the perfect journey. Bring your own gear or choose to rent at locations along the river. Your adventure is waiting for you!



Photo credit: Tom Slawski

Our Mission
developing

The mission of the Fabulous Fox River Trail is to develop and support a sustainable 200-mile water trail on the Fox River.

Our Vision
recreating

The Fabulous Fox Water Trail from Menomonee Falls, Wisconsin to the confluence with the Illinois River in Ottawa, Illinois provides suitable access for the public to enjoy quiet and active recreation, scenic beauty, abundant wildlife, and historical and cultural features. Communities along the Fox River embrace stewardship and public engagement to create and maintain a sense of place.

Our Goals
caring

Education: recognize the geologic and human history, cultural and natural resources, and abundant wildlife making homes in and along the river.
Protection: advocate for the environment and water quality.
Engagement: invite communities to join in preserving, protecting, and promoting the river.

TRAVEL WISCONSIN

ILLINOIS. ARE YOU UP FOR AMAZING?

NATIONAL PARKS SERVICE

FABULOUS FOX! WATER TRAIL

FabulousFoxWaterTrail.org

10M 5/2022

FABULOUS FOX! WATER TRAIL



Photo credit: Fox Valley Park District

Choose your journey...
Urban, rural, wild.
The adventure is yours!

FabulousFoxWaterTrail.org

200 Fabulous Miles

prairie, forest, farm and bluffs
communities large and small

Find something new around every bend from wildlife to street life. Pause with a picnic to breathe in peaceful nature. Discover new places to dine, to explore in the cities, villages, and towns along the Fox River. The river is yours to discover! Create new traditions and family fun.

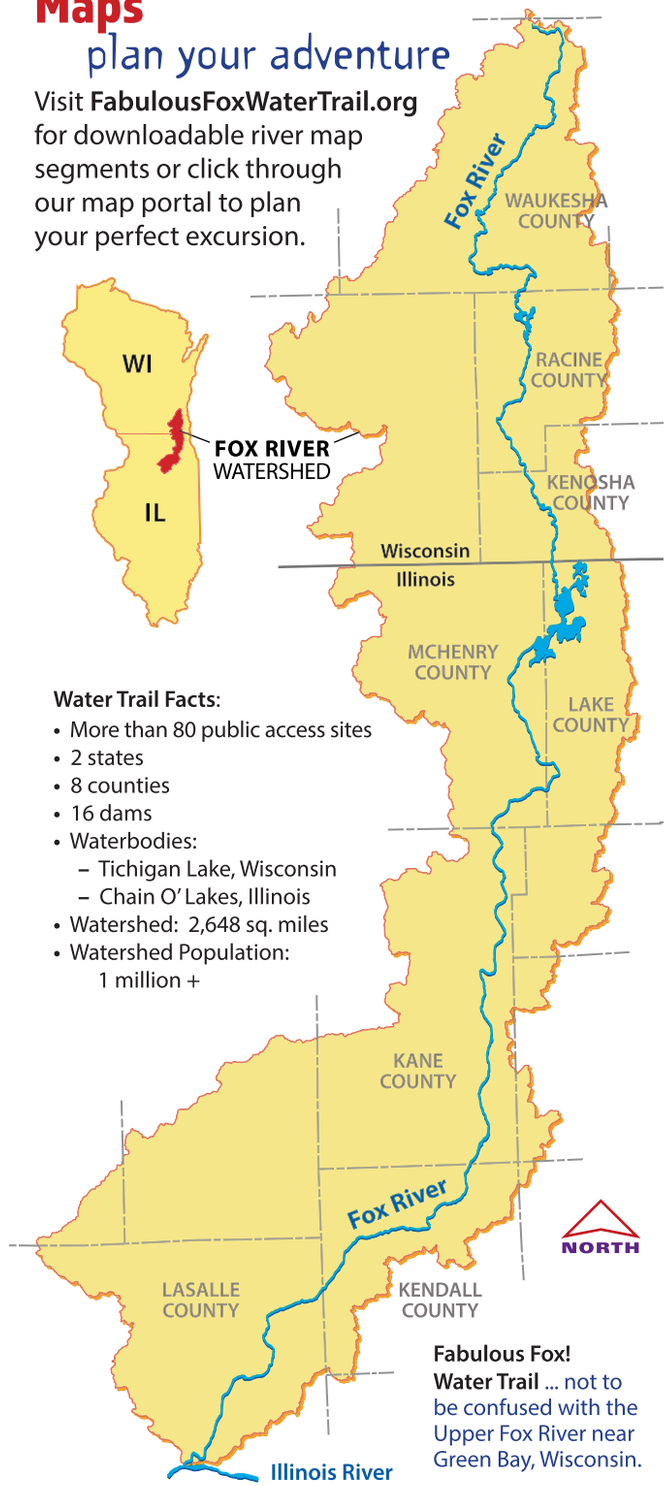


Photo credit: Margie Cline

Maps

plan your adventure

Visit **FabulousFoxWaterTrail.org** for downloadable river map segments or click through our map portal to plan your perfect excursion.



Water Trail Facts:

- More than 80 public access sites
- 2 states
- 8 counties
- 16 dams
- Waterbodies:
  - Tichigan Lake, Wisconsin
  - Chain O' Lakes, Illinois
- Watershed: 2,648 sq. miles
- Watershed Population: 1 million +

Fabulous Fox! Water Trail ... not to be confused with the Upper Fox River near Green Bay, Wisconsin.



Photo credit: Brook McDonald

Our River

a community of participants

Wisconsin Communities: Menomonee Falls, Brookfield, Pewaukee,Waukesha, Big Bend, Vernon, Mukwonago, Waterford, Rochester, Burlington, Wheatland, and Salem Lakes.

Illinois Communities: Fox Lake, Johnsburg, McHenry, Holiday Hills, Port Barrington, Lake Barrington, Fox River Grove, Cary, Trout Valley, Algonquin, Carpentersville, West Dundee, East Dundee, Elgin, South Elgin, St. Charles, Geneva, Batavia, North Aurora, Aurora, Montgomery, Oswego, Yorkville, Plano, Millbrook, Millington, Sheridan, Wedron, and Ottawa.

Our Team: Kane County, Illinois; Village of Waterford, Wisconsin; Southeast Fox River Partnership; Southeastern Wisconsin Regional Planning Commission; Chicago Metropolitan Agency for Planning, Fox River Ecosystem Partnership; Real Racine; Visit McHenry County; and National Park Service.

Technical assistance provided by the National Park Service Rivers, Trails, and Conservation Assistance Program. Funding provided in part by the Wisconsin Department of Natural Resources.

11

30

Jericho Rd

Kane Co.

Kendall Co.

30

47

Dickson Rd

Galena Rd

Bridge St

Orchard Rd

Mill Rd

Kennedy Rd

Bristol Ridge Rd

Veterans Pkwy

Cannonball Tr

Blackberry Creek

34

47

Bridge St

Yorkville Dam

36.2

River Rd

Fox River

Yorkville

Fox Rd

36.3

Marge Cline Whitewater Course

126

Bridge St

71

47

Schoolhouse Rd

Van Emmon Rd

Reservation Rd

Minkler Rd

Direction of river flow

Saw-Wee-Kee Park

40.4

Saw-Wee-Kee Park

34

71

Douglas St

Oswego

Washington St

42.7

Hudson Crossing Park

Madison St

25

31

Chicago Rd

43.9

Violet Patch Park

Waubonsie Creek

34

Old Post Rd

River Rd

Boulder Hill Pass

Grove Rd

Plainfield Rd

Douglas Rd

126

Grove Rd

Fox River

30

Mill St

Montgomery Rd

Douglas Rd

Montgomery

31

Aucutt Rd

Lake St

Main St

46.4

Montgomery Dam

Ashland Ave

47.1

South River Street Park

25

East River Rd

River St

North Ave

NORTH

0 1

Scale: one inch = one mile

This map is for reference and trip planning only (dated as of April 2021) and not intended as a sole source for navigational information.

TITLE SIGN: 2 signs. Same for both Land and River sides of Access Point **Dimensions:** 12″x18″ w/(2) 3/8″ holes at 2.0″

Marge Cline Whitewater Course

FABULOUS FOX! WATER TRAIL

River Mile 36.3

MAP SIGN: 1 sign. Land side of Access Point **Dimensions:** 12″x18″ w/(2) 3/8″ holes at 2.0″

Visit **fabulousfoxwatertrail.org** for maps and trip planning



- Visit **Safety** at **fabulousfoxwatertrail.org** for current river conditions
- Respect private property and the environment
- Wear a proper fitting Life Jacket
- Carry a map and locational device
- Tell someone your plans
- Wear clothing appropriate for conditions
- Bring emergency and rescue gear

FABULOUS FOX! WATER TRAIL

Date

Karen Ann Miller, AICP
Illinois Co-Chair, Fabulous Fox! Water Trail
c/o Kane County Development Dept.
719 S. Batavia Ave.
Geneva, IL 60134

Dear Ms. Miller:

On behalf of the United City of Yorkville Parks and Recreation, I am pleased to provide support for as well as permission for the Marge Cline Whitewater Course access site to be included in the Fabulous Fox! Water Trail (FF!WT) with the ultimate goal of designation in the National Park Service's National Water Trail System. The Board and staff recognize the importance of this project to emphasize the opportunity the Fox River provides to enhance quality of life, economic development, conservation, community support, education, health and recreation.

A unified and coordinated regional approach benefits the communities along the Fox River. We support the Fabulous Fox! Water Trail and are interested in coordinating recreational, economic and natural resource planning for this region.

In addition to acknowledging the benefits the Fabulous Fox! Water Trail website and brochure provides to paddlers and communities along the Fox River, we intend to work with the FF!WT Team to plan installation of signage at each access site to educate the paddler about location, safety and other important information.

Sincerely,

Reviewed By:	
Legal	☐
Finance	■
Engineer	☐
City Administrator	■
Community Development	☐
Purchasing	☐
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

Mayor's Report #5

Tracking Number

CC 2022-43

Agenda Item Summary Memo

Title: Treasurer's Reports for August 2022

Meeting and Date: City Council – September 27, 2022

Synopsis:

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Majority

Council Action Requested: Approval

Submitted by: Rob Fredrickson (Name) Finance (Department)

Agenda Item Notes:

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UNITED CITY OF YORKVILLE

TREASURER'S REPORT - for the month ended August 31, 2022

Cash Basis

	Beginning Fund Balance	August Revenues	YTD Revenues	Revenue Budget	% of Budget	August Expenses	YTD Expenses	Expense Budget	% of Budget	Projected Ending Fund Balance
General Fund										
01 - General	$ 10,627,100	$ 1,875,824	$ 8,832,179	$ 22,339,736	40%	$ 1,594,615	$ 6,620,656	$ 22,339,736	30%	$ 12,838,623
Special Revenue Funds										
15 - Motor Fuel Tax	269,412	70,468	271,709	1,176,560	23%	18,449	209,799	1,277,045	16%	331,322
79 - Parks and Recreation	-	237,220	1,114,840	3,123,472	36%	302,065	976,866	3,123,472	31%	137,974
87 - Countryside TIF	(1,182,815)	40,558	111,555	232,133	48%	1,317	51,575	227,291	23%	(1,122,835)
88 - Downtown TIF	(1,639,928)	3,430	65,531	96,000	68%	3,491	14,183	87,612	16%	(1,588,581)
89 - Downtown TIF II	(6,626)	8,356	61,732	99,353	0%	-	352	30,500	1%	54,754
11 - Fox Hill SSA	21,577	657	12,186	21,500	57%	397	3,412	59,200	6%	30,351
12 - Sunflower SSA	2,385	81	10,940	21,000	52%	375	6,755	17,200	39%	6,570
Debt Service Fund										
42 - Debt Service	-	27,465	109,408	330,075	33%	-	4,800	330,075	1%	104,608
Capital Project Funds										
25 - Vehicle & Equipment	1,391,623	74,751	319,511	1,105,870	29%	361,682	539,830	2,235,223	24%	1,171,303
23 - City-Wide Capital	2,165,600	152,460	569,111	3,995,222	14%	148,952	305,033	5,592,073	5%	2,429,678
24 - Buildings & Grounds	10,002,255	89,192	342,571	1,007,229	34%	847,148	2,144,966	10,871,560	20%	
Enterprise Funds										
* 51 - Water	3,791,199	1,026,191	1,716,495	5,779,003	30%	580,036	1,557,509	7,693,103	20%	3,950,185
* 52 - Sewer	1,001,490	433,004	1,200,038	6,604,721	18%	64,209	283,785	5,995,546	5%	1,917,743
Library Funds										
82 - Library Operations	746,898	94,263	1,010,347	877,541	115%	64,557	314,931	1,763,820	18%	1,442,315
84 - Library Capital	176,662	11,166	29,386	50,350	58%	5,006	10,821	85,500	13%	195,227
Total Funds	**$ 27,366,832**	**$ 4,145,085**	**$ 15,777,538**	**$ 46,859,765**	**34%**	**$ 3,992,299**	**$ 13,045,274**	**$ 61,728,956**	**21%**	**$ 21,899,237**

* Fund Balance Equivalency

As Treasurer of the United City of Yorkville, I hereby attest, to the best of my knowledge, that the information contained in this Treasurer's Report is accurate as of the date detailed herein. Further information is available in the Finance Department.

Rob Fredrickson, Finance Director/Treasurer

Reviewed By:	
Legal	☐
Finance	■
Engineer	☐
City Administrator	■
Human Resources	☐
Community Development	☐
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

Mayor's Report #6

Tracking Number

CC 2022-44

Agenda Item Summary Memo

Title: Tax Levy Estimate

Meeting and Date: City Council – September 27, 2022

Synopsis: Please see attached memo.

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: None

Council Action Requested: Informational

Submitted by: Rob Fredrickson (Name) Finance (Department)

Agenda Item Notes:

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Memorandum

To: Administration Committee
From: Rob Fredrickson, Finance Director
Date: September 14, 2022
Subject: 2022 Tax Levy Estimate

Summary

A review of the 2022 tax levy estimate, for the purposes of publishing a public notice for an upcoming public hearing.

Background

Each year, the first step of the tax levy process involves adopting a tax levy estimate for purposes of holding a public hearing (if required). The estimated tax levy for the City and Library operations (capped taxes or PTELL) is $4,786,846, as shown on Exhibit A. The City's levy request totals $3,744,925 and includes increment generated from new construction only. The Library operations levy is set at the max rate of $0.15 per $100 of EAV; however, due to the property tax extension limitation law (PTELL), staff would expect the actual Library tax levy to be lower.

2017 Tax Levy (FY 19) thru 2021 Tax Levy (FY 23 - current fiscal year)

Beginning with the 2017 levy process, the City Council began to ease back into its past practice of marginally increasing the levy each year as allowed under PTELL. Pursuant to PTELL, two factors determine how much the City, as a non-home rule municipality, can increase its levy by each year: the equalized assessed valuation (EAV) of new construction and the year-over-year change in inflation (as measured by the Consumer Price Index or CPI). For the 2019 (collected in FY 21) and 2020 (collected in FY 22 – last fiscal year) levies the City Council chose to increase the levy by new construction only, thus foregoing the inflationary increment. For the 2021 levy (currently being collected in FY 22) the City Council decided to continue this practice, once again increasing the levy by estimated new construction ($128,428) only; and again, forfeiting the inflationary increment of $47,970. As a result, most residents over the last five levy cycles should have seen the City portion of their property tax bill stay relatively the same or even decrease slightly, assuming that the change in EAV of their homes was less than the overall increase in EAV for all taxable property in the City.

2022 Tax Levy (FY 24 – next fiscal year)

For this year's levy new construction EAV is currently estimated by Kendall County at $30,610,342, which would generate additional property tax proceeds of $172,367 for the City. As shown on Exhibit D, after two consecutive years of low inflation (levy years 2015-2016), CPI returned to more of a historical norm in 2017 of 2.1%. After holding right around 2.0% in levy years 2018 through 2020, CPI fell to 1.4% in 2021, before skyrocketing to 7% (capped at 5% - lessor of 5% or CPI) in 2022; ostensibly the result of pent-up consumer demand stemming from the pandemic and the ongoing war in Ukraine. This inflationary portion of the levy equates to a projected increment of $178,037, for an estimated grand total of $350,404 in additional property taxes that could be levied under PTELL.

Based on the information presented above, it is the recommendation of staff that the City increase its levy only by the amount of incremental property taxes generated from new construction, which is currently estimated at $172,367 (as shown on Exhibit C). While this will result in the City not levying approximately $178,037 (CPI portion) under PTELL (which means this amount is lost for subsequent levy years), staff believes that this is a balanced approach as it allows the City to marginally expand its tax base with minimal impact on homeowners. Depending on how the City Council decides to levy, either including incremental property taxes from both CPI and new construction (Exhibit B) or new construction only (Exhibit C), will result in the City's portion of the levy either increasing by approximately 9.8% (Exhibit B) or 4.8% (Exhibit C).

For the upcoming 2022 levy year, the City's contribution to the Police Pension Fund is currently being determined by the City's actuary, MWM Consulting Group. For the time being, a placeholder of $1.43 million is being used, which is based off the actual increase from two years ago. However, the actual contribution amount may be higher due to several factor including:

- A shrinking amortization period (i.e., as we get closer to the year 2040, there is less time to spread out the remaining costs associated with the unfunded liability).
- Normal costs continue to increase, as each year of additional service by current employees generates additional pension benefits.
- Changes in actuarial assumptions pertaining to mortality, retirement and termination rates.

After an unprecedented rate of return in fiscal year 2021 of +26.9%, the Fund yielded a net money-weighted investment return of negative 4.8% (the Fund benchmark is +7.0%) in fiscal year 2022– as a result of equity market volatility and the low interest rate environment. However, due to the long-term nature of funding requirements for pension funds, it remains to be seen how much of an impact this negative return will have on the City's funding requirement for 2022. The City's current contribution estimate of $1.43 million will be updated in October, once the current year's actuarial valuation is completed.

Looking back at the last six levy cycles, you may recall that a reoccurring policy question has been whether the City and Library levies should be combined or levied separately. In an effort to "level the playing field" by applying the same rules of property tax growth (lesser of CPI or 5%, plus new construction) to both entities, the City Council has chosen to levy the two entities separately since in 2016. Last year the 2021 Library Operations tax rate was capped at $0.131 per $100 of EAV, resulting in a property tax extension of $819,781 for library operations. This was an increase of $43,047 (5.5%) over the 2020 extended amount of $776,734. For the 2022 levy staff recommends that Council continue with the practice of levying separately for the City and the Library, which is currently estimated to yield property taxes for library operations in the amount of $903,410. This amount includes both CPI ($41,123) and new construction ($39,824) increments. Based on current EAV figures the library operations tax rate is estimated to be at $0.130 per $100 of EAV (max amount is $0.15 per $100 EAV) for the 2022 levy year, which is an increase of 10.2% ($83,629) over the 2021 extension. The levy amount for the Library is expected to be formally approved by the Board at their upcoming October 10th meeting.

In addition, the fiscal year 2023 (2021 levy) certifications from the County Clerk are attached as Exhibit E. The first page contains all City (non-Library) taxes, and the second page contains Library taxes (operations and debt service for the 2006 & 2013 Refunding bonds). Of note, the 2021 levy was the first year that a new State law went into effect (P.A. 102-0519) requiring the County to adjust the City's and Library's extension amounts in order to recapture prior year property tax amounts lost to Property Tax Appeal Board (PTAB) reductions, Circuit Court orders in assessment cases and error certificates resulting from assessment mistakes. These revenue recapture amounts are itemized in Exhibit E for both the City and Library, in the amounts of $5,612 and $2,681, respectively.

As in past levy years, all City debt service amounts are expected to be fully abated for the 2022 levy year. Materials regarding the City's bond abatements will be presented at a future committee meeting, before being presented to the City Council for approval in either November or December.

Homeowner Impact

The property tax bill lists the City and the Library as two distinct itemized charges. Assuming the City levies for the new construction increment only (Exhibit C), the City's (capped and uncapped) estimated levy extension is projected to increase by 4.8% for the 2022 levy year (payable in 2023). The Library (capped and uncapped) levy is projected to be 10.2% higher (Exhibit B) than the 2021 levy year extension (payable currently in 2022).

Overall EAV for the City is currently estimated at $694.6 million, which is a $71.0 million (11.4%) increase over the prior year amount of $623.6 million. However, approximately 40% of this increase is attributable to new construction, which is currently estimated at $30.6 million. When adjusting for new construction, EAV of existing property is projected to increase by ~6.5%; however, this inflationary increase in EAV should be mitigated by a similar reduction in the City's estimated property tax rate which is currently expected to decline by 5.9%, from $0.57 per $100 of EAV to $0.54 per $100 of EAV.

Based on the information presented above, the amount that each property owner pays to the City and the Library **should** be approximately the same as the prior year's tax bill, assuming that their individual property's EAV increases at a rate similar to overall EAV, adjusted for new construction.

Recommendation

The preliminary staff recommendations for aggregate levy amounts are below.

City Tax Levy

	2021 Levy Extension	2022 Maximum Levy (Estimate)	2022 Levy Recommended Amount
City Levy (Capped)	$3,560,742	$3,911,146	$3,733,109
City Bonds (Uncapped)	N / A	N / A	N / A
Totals	**$3,560,742**	**$3,911,146**	**$3,733,109**

Library Tax Levy

	2021 Levy Extension	2022 Maximum Levy (Estimate)	2022 Levy Recommended Amount
Library Operations (Capped)	$822,462	$1,041,921	$1,041,921
Library Bonds (Uncapped)	847,344	866,750	866,750
Totals	**$1,669,807**	**$1,908,671**	**$1,908,671**

Regarding the setting of a tax levy estimate, staff recommends the approval of Exhibit A, which shows the City's levy increasing by an augmented new construction only amount and sets the Library's levy at their ceiling rate of $0.15 per $100 of EAV, for the purposes of setting a maximum levy amount for the public hearing. In order to capture every dollar possible generated from the new construction increment, staff has increased the County's current new construction EAV estimate ($30,610,342) by approximately 10% ($32,610,342); which would increase projected new construction incremental property tax amounts by $11,816, from $172,367 to $184,183. Since the estimated amount of new construction is likely to be updated by the County between now and December, this would allow Council maximum flexibility to adjust the levy accordingly to ensure that the entire new construction component of the levy could be utilized, if desired. As a reminder, the tax levy estimate sets the maximum amount that the City and Library could levy, with the understanding that Council and the Library Board reserve the right to levy less than that amount should they desire to do so.

Exhibit B is an estimate of how much the City could levy under PTELL (includes increases for both new construction & CPI) for a total of $350,404 in additional property tax proceeds. Exhibit C shows the new construction increment only, for both the City ($172,367) and Library ($39,824); hence foregoing the CPI increments of $178,037 (City) and $41,123 (Library), respectively, in subsequent tax years.

Furthermore, staff recommends that the City instruct the County Clerk to levy separately once again for the City and the Library, so that both entities are held to the same rules when it comes to growth. A tentative timeline for the 2022 tax levy process is presented below:

- September 21st (Administration Committee) - Preliminary Tax Levy Estimate

- September 27th (City Council) - Preliminary Tax Levy Estimate

- October 11th & 25th (City Council) - Tax Levy Estimate review and approval
    - Tax Levy Estimate must be adopted 20 days prior to City Council approval of levy

- November 9th (City Council) – Tax Levy Public Hearing
    - Public Hearing Notice will be published on October 31st
    - Per State Statute, the Public Hearing Notice must be published in a local paper between 14 and 7 days prior to the hearing

- November 22nd or December 13th (City Council) - Approval of the Tax Levy Ordinance
    - Must be filed with Kendall County before the last Tuesday in December (December 27th)

Exhibit A

2022 Tax Levy - Public Hearing

*** (Based on new construction EAV estimate of $32,610,342) ****

(Limiting Rate Applied to City & Library)

	2020 Rate Setting EAV	% Change over Prior Yr EAV		2021 Rate Setting EAV	% Change over Prior Yr EAV		2022 Estimated EAV	% Change over Prior Yr EAV	$ Change
Farm	$ 3,360,133	3.08%	Farm	$ 3,524,082	4.88%	Farm	$ 3,907,936	10.89%	$ 383,854
Residential	484,024,398	7.38%	Residential	524,668,429	8.40%	Residential	592,367,328	12.90%	67,698,899
Commercial	79,649,698	-5.15%	Commercial	79,815,145	0.21%	Commercial	82,317,911	3.14%	2,502,766
Industrial	15,586,411	0.49%	Industrial	15,512,284	-0.48%	Industrial	15,943,391	2.78%	431,107
State Railroad	75,859	-14.77%	State Railroad	77,628	2.33%	State Railroad	77,628	0.00%	-
Total	**$ 582,696,499**	**5.26%**	**Total**	**$ 623,597,568**	**7.02%**	**Total**	**$ 694,614,194**	**11.39%**	**$ 71,016,626**

	2020 Rate	2020 Levy Request	2020 Levy Extension	2021 Rate	2021 Levy Request	2021 Levy Extension	2022 Rate	2022 Levy Request	% Change over Prior Yr Ext.	$ Change over Prior Yr Ext.
Corporate	0.16937	$ 986,912	$ 986,913	0.15791	$ 984,681	$ 984,723	0.14177	$ 984,723	0.00%	$ 0
Bonds & Interest	0.00000	-	-	0.00000	-	-	0.00000	-	-	-
IMRF Pension	0.00000	-	-	0.00000	-	-	0.00000	-	-	-
Police Protection	0.14838	864,563	864,605	0.15963	995,406	995,449	0.15626	1,085,431	9.04%	89,982
Police Pension	0.22907	1,334,771	1,334,783	0.21405	1,334,771	1,334,811	0.20656	1,434,771	7.49%	99,960
Audit	0.00515	30,000	30,009	0.00482	30,000	30,057	0.00432	30,000	-0.19%	(57)
Liability Insurance	0.00687	40,000	40,031	0.00642	40,000	40,035	0.00576	40,000	-0.09%	(35)
Social Security	0.02575	150,000	150,044	0.02406	150,000	150,038	0.02159	150,000	-0.03%	(38)
School Crossing Guard	0.00344	20,000	20,045	0.00321	20,000	20,017	0.00288	20,000	-	(17)
Revenue Recapture	0.00000	-	-	0.00090	5,590	5,612	0.00000	-	-	(5,612)
Unemployment Insurance	0.00000	-	-	0.00000	-	-	0.00000	-	-	-
Subtotal City	**0.58803**	**$ 3,426,246**	**$ 3,426,430**	**0.57100**	**$ 3,560,448**	**$ 3,560,742**	**0.53914**	**$ 3,744,925**	**5.17%**	**184,183**
Library Operations	0.13330	$ 875,782	$ 776,734	0.13146	$ 934,994	$ 819,781	0.15000	$ 1,041,921	27.10%	$ 222,140
Revenue Recapture	0.00000	-	-	0.00043	2,637	2,681	0.00000	-	-	$ (2,681)
Library Bonds & Interest	0.14420	840,225	840,248	0.13588	847,313	847,344	0.12478	866,750	2.29%	19,406
Subtotal Library	**0.27750**	**$ 1,716,007**	**$ 1,616,983**	**0.26777**	**$ 1,784,944**	**$ 1,669,807**	**0.27478**	**$ 1,908,671**	**14.30%**	**238,864**
Total City (PTELL & Non-PTELL)	**0.86553**	**$ 5,142,253**	**$ 5,043,413**	**0.83877**	**$ 5,345,392**	**$ 5,230,549**	**0.81392**	**$ 5,653,596**	**8.09%**	**$ 423,047**
less Bonds & Interest	0.14420	840,225	840,248	0.13588	847,313	847,344	0.12478	866,750	2.29%	19,406
P-TELL Totals	**0.72133**	**$ 4,302,028**	**$ 4,203,165**	**0.70289**	**$ 4,498,079**	**$ 4,383,205**	**0.68914**	**$ 4,786,846**	**9.21%**	**$ 403,641**

Exhibit A - continued

2022 Tax Levy - Public Hearing

(Limiting Rate Applied to City & Library)

	2020 Requested	2020 Extended		2021 Requested	2021 Extended		2022 Levy Request	% Change over Prior Yr Ext.	$ Change over Prior Yr Ext.
City	$ 2,091,475	$ 2,091,647	City	$ 2,220,087	$ 2,220,319	City	$ 2,310,154	10.45%	$ 218,507
Library	875,782	776,734	Library	934,994	819,781	Library	1,041,921	34.14%	265,187
Police Pension	1,334,771	1,334,783	Police Pension	1,334,771	1,334,811	Police Pension	1,434,771	7.49%	99,988
City Debt Service	-	-	City Debt Service	-	-	City Debt Service	-	-	-
Library Debt Service	840,225	840,248	Library Debt Service	847,313	847,344	Library Debt Service	866,750	3.15%	26,502
Total	**$ 5,142,253**	**$ 5,043,413**	**Total**	**$ 5,337,165**	**$ 5,222,255**	**Total**	**$ 5,653,596**	**12.10%**	**$ 610,183**
less Bonds & Interest	840,225	840,248	less Bonds & Interest	847,313	847,344	less Bonds & Interest	866,750	3.15%	26,502
PTELL Subtotal	**$ 4,302,028**	**$ 4,203,165**	**PTELL Subtotal**	**$ 4,489,852**	**$ 4,374,911**	**PTELL Subtotal**	**$ 4,786,846**	**13.89%**	**$ 583,682**
City	*$ 3,426,246*	*$ 3,426,430*	*City*	*$ 3,554,858*	*$ 3,555,130*	*City*	*$ 3,744,925*	***9.30%***	*$ 318,495*
Lib (excluding Debt Service)	*875,782*	*776,734*	*Lib (excluding Debt Service)*	*934,994*	*819,781*	*Lib (excluding Debt Service)*	*1,041,921*	***34.14%***	*265,187*

Exhibit B

2022 Tax Levy - Estimated CPI and New Construction Increments

*** (Based on original new construction EAV estimate of $30,610,342 as of August 15, 2022) ***

(Limiting Rate Applied to City & Library)

	2020 Rate Setting EAV	% Change over Prior Yr EAV		2021 Rate Setting EAV	% Change over Prior Yr EAV		2022 Estimated EAV	% Change over Prior Yr EAV	$ Change
Farm	$ 3,360,133	3.08%	Farm	$ 3,524,082	4.88%	Farm	$ 3,907,936	10.89%	$ 383,854
Residential	484,024,398	7.38%	Residential	524,668,429	8.40%	Residential	592,367,328	12.90%	67,698,899
Commercial	79,649,698	-5.15%	Commercial	79,815,145	0.21%	Commercial	82,317,911	3.14%	2,502,766
Industrial	15,586,411	0.49%	Industrial	15,512,284	-0.48%	Industrial	15,943,391	2.78%	431,107
State Railroad	75,859	-14.77%	State Railroad	77,628	2.33%	State Railroad	77,628	0.00%	-
Total	**$ 582,696,499**	**5.26%**	**Total**	**$ 623,597,568**	**7.02%**	**Total**	**$ 694,614,194**	**11.39%**	**$ 71,016,626**

	2020 Rate	2020 Levy Request	2020 Levy Extension	2021 Rate	2021 Levy Request	2021 Levy Extension	2022 Rate	2022 Levy Request	% Change over Prior Yr Ext.	$ Change over Prior Yr Ext.
Corporate	0.16937	$ 986,912	$ 986,913	0.15791	$ 984,681	$ 984,723	0.14177	$ 984,723	0.00%	$ 0
Bonds & Interest	0.00000	-	-	0.00000	-	-	0.00000	-	-	-
IMRF Pension	0.00000	-	-	0.00000	-	-	0.00000	-	-	-
Police Protection	0.14838	864,563	864,605	0.15963	995,406	995,449	0.18019	1,251,652	25.74%	256,203
Police Pension	0.22907	1,334,771	1,334,783	0.21405	1,334,771	1,334,811	0.20656	1,434,771	7.49%	99,960
Audit	0.00515	30,000	30,009	0.00482	30,000	30,057	0.00432	30,000	-0.19%	(57)
Liability Insurance	0.00687	40,000	40,031	0.00642	40,000	40,035	0.00576	40,000	-0.09%	(35)
Social Security	0.02575	150,000	150,044	0.02406	150,000	150,038	0.02159	150,000	-0.03%	(38)
School Crossing Guard	0.00344	20,000	20,045	0.00321	20,000	20,017	0.00288	20,000	-	(17)
Revenue Recapture	0.00000	-	-	0.00090	5,590	5,612	0.00000	-	-	(5,612)
Unemployment Insurance	0.00000	-	-	0.00000	-	-	0.00000	-	-	-
Subtotal City	**0.58803**	**$ 3,426,246**	**$ 3,426,430**	**0.57100**	**$ 3,560,448**	**$ 3,560,742**	**0.56307**	**$ 3,911,146**	**9.84%**	**350,404**
Library Operations	0.13330	$ 875,782	$ 776,734	0.13146	$ 934,994	$ 819,781	0.13006	$ 903,410	10.20%	$ 83,629
Revenue Recapture	0.00000	-	-	0.00043	2,637	2,681	0.00000	-	-	$ (2,681)
Library Bonds & Interest	0.14420	840,225	840,248	0.13588	847,313	847,344	0.12478	866,750	2.29%	19,406
Subtotal Library	**0.27750**	**$ 1,716,007**	**$ 1,616,983**	**0.26777**	**$ 1,784,944**	**$ 1,669,807**	**0.25484**	**$ 1,770,160**	**6.01%**	**100,353**
Total City (PTELL & Non-PTELL)	**0.86553**	**$ 5,142,253**	**$ 5,043,413**	**0.83877**	**$ 5,345,392**	**$ 5,230,549**	**0.81791**	**$ 5,681,306**	**8.62%**	**$ 450,757**
less Bonds & Interest	0.14420	840,225	840,248	0.13588	847,313	847,344	0.12478	866,750	2.29%	19,406
P-TELL Totals	**0.72133**	**$ 4,302,028**	**$ 4,203,165**	**0.70289**	**$ 4,498,079**	**$ 4,383,205**	**0.69313**	**$ 4,814,556**	**9.84%**	**$ 431,351**

Exhibit B - continued

2022 Tax Levy - Estimated CPI and New Construction Increments

(Limiting Rate Applied to City & Library)

	2020 Requested	2020 Extended		2021 Requested	2021 Extended		2022 Levy Request	% Change over Prior Yr Ext.	$ Change over Prior Yr Ext.
City	$ 2,091,475	$ 2,091,647	City	$ 2,220,087	$ 2,220,319	City	$ 2,476,375	18.39%	$ 384,728
Library	875,782	776,734	Library	934,994	819,781	Library	903,410	16.31%	126,676
Police Pension	1,334,771	1,334,783	Police Pension	1,334,771	1,334,811	Police Pension	1,434,771	7.49%	99,988
City Debt Service	-	-	City Debt Service	-	-	City Debt Service	-	-	-
Library Debt Service	840,225	840,248	Library Debt Service	847,313	847,344	Library Debt Service	866,750	3.15%	26,502
Total	**$ 5,142,253**	**$ 5,043,413**	**Total**	**$ 5,337,165**	**$ 5,222,255**	**Total**	**$ 5,681,306**	**12.65%**	**$ 637,893**
less Bonds & Interest	840,225	840,248	less Bonds & Interest	847,313	847,344	less Bonds & Interest	866,750	3.15%	26,502
PTELL Subtotal	**$ 4,302,028**	**$ 4,203,165**	**PTELL Subtotal**	**$ 4,489,852**	**$ 4,374,911**	**PTELL Subtotal**	**$ 4,814,556**	**14.55%**	**$ 611,391**
City	*$ 3,426,246*	*$ 3,426,430*	*City*	*$ 3,554,858*	*$ 3,555,130*	*City*	*$ 3,911,146*	***14.15%***	*$ 484,716*
Lib (excluding Debt Service)	*875,782*	*776,734*	*Lib (excluding Debt Service)*	*934,994*	*819,781*	*Lib (excluding Debt Service)*	*903,410*	***16.31%***	*126,676*

Exhibit C

2022 Tax Levy - Estimated New Construction Increment Only

*** (Based on original new construction EAV estimate of $30,610,342 as of August 15, 2022) ****

(Limiting Rate Applied to City & Library)

	2020 Rate Setting EAV	% Change over Prior Yr EAV		2021 Rate Setting EAV	% Change over Prior Yr EAV		2022 Estimated EAV	% Change over Prior Yr EAV	$ Change
Farm	$ 3,360,133	3.08%	Farm	$ 3,524,082	4.88%	Farm	$ 3,907,936	10.89%	$ 383,854
Residential	484,024,398	7.38%	Residential	524,668,429	8.40%	Residential	592,367,328	12.90%	67,698,899
Commercial	79,649,698	-5.15%	Commercial	79,815,145	0.21%	Commercial	82,317,911	3.14%	2,502,766
Industrial	15,586,411	0.49%	Industrial	15,512,284	-0.48%	Industrial	15,943,391	2.78%	431,107
State Railroad	75,859	-14.77%	State Railroad	77,628	2.33%	State Railroad	77,628	0.00%	-
Total	**$ 582,696,499**	**5.26%**	**Total**	**$ 623,597,568**	**7.02%**	**Total**	**$ 694,614,194**	**11.39%**	**$ 71,016,626**

	2020 Rate	2020 Levy Request	2020 Levy Extension	2021 Rate	2021 Levy Request	2021 Levy Extension	2022 Rate	2022 Levy Request	% Change over Prior Yr Ext.	$ Change over Prior Yr Ext.
Corporate	0.16937	$ 986,912	$ 986,913	0.15791	$ 984,681	$ 984,723	0.14177	$ 984,723	0.00%	$ 0
Bonds & Interest	0.00000	-	-	0.00000	-	-	0.00000	-	-	-
IMRF Pension	0.00000	-	-	0.00000	-	-	0.00000	-	-	-
Police Protection	0.14838	864,563	864,605	0.15963	995,406	995,449	0.15456	1,073,615	7.85%	78,166
Police Pension	0.22907	1,334,771	1,334,783	0.21405	1,334,771	1,334,811	0.20656	1,434,771	7.49%	99,960
Audit	0.00515	30,000	30,009	0.00482	30,000	30,057	0.00432	30,000	-0.19%	(57)
Liability Insurance	0.00687	40,000	40,031	0.00642	40,000	40,035	0.00576	40,000	-0.09%	(35)
Social Security	0.02575	150,000	150,044	0.02406	150,000	150,038	0.02159	150,000	-0.03%	(38)
School Crossing Guard	0.00344	20,000	20,045	0.00321	20,000	20,017	0.00288	20,000	-	(17)
Revenue Recapture	0.00000	-	-	0.00090	5,590	5,612	0.00000	-	-	(5,612)
Unemployment Insurance	0.00000	-	-	0.00000	-	-	0.00000	-	-	-
Subtotal City	**0.58803**	**$ 3,426,246**	**$ 3,426,430**	**0.57100**	**$ 3,560,448**	**$ 3,560,742**	**0.53744**	**$ 3,733,109**	**4.84%**	**172,367**
Library Operations	0.13330	$ 875,782	$ 776,734	0.13146	$ 934,994	$ 819,781	0.12414	$ 862,287	5.18%	$ 42,506
Revenue Recapture	0.00000	-	-	0.00043	2,637	2,681	0.00000	-	-	$ (2,681)
Library Bonds & Interest	0.14420	840,225	840,248	0.13588	847,313	847,344	0.12478	866,750	2.29%	19,406
Subtotal Library	**0.27750**	**$ 1,716,007**	**$ 1,616,983**	**0.26777**	**$ 1,784,944**	**$ 1,669,807**	**0.24892**	**$ 1,729,037**	**3.55%**	**59,230**
Total City (PTELL & Non-PTELL)	**0.86553**	**$ 5,142,253**	**$ 5,043,413**	**0.83877**	**$ 5,345,392**	**$ 5,230,549**	**0.78636**	**$ 5,462,146**	**4.43%**	**$ 231,597**
less Bonds & Interest	0.14420	840,225	840,248	0.13588	847,313	847,344	0.12478	866,750	2.29%	19,406
P-TELL Totals	**0.72133**	**$ 4,302,028**	**$ 4,203,165**	**0.70289**	**$ 4,498,079**	**$ 4,383,205**	**0.66158**	**$ 4,595,396**	**4.84%**	**$ 212,191**

Exhibit C - continued

2022 Tax Levy - Estimated New Construction Increment Only

(Limiting Rate Applied to City & Library)

	2020 Requested	2020 Extended		2021 Requested	2021 Extended		2022 Levy Request	% Change over Prior Yr Ext.	$ Change over Prior Yr Ext.
City	$ 2,091,475	$ 2,091,647	City	$ 2,220,087	$ 2,220,319	City	$ 2,298,338	9.88%	$ 206,691
Library	875,782	776,734	Library	934,994	819,781	Library	862,287	11.01%	85,553
Police Pension	1,334,771	1,334,783	Police Pension	1,334,771	1,334,811	Police Pension	1,434,771	7.49%	99,988
City Debt Service	-	-	City Debt Service	-	-	City Debt Service	-	-	-
Library Debt Service	840,225	840,248	Library Debt Service	847,313	847,344	Library Debt Service	866,750	3.15%	26,502
Total	**$ 5,142,253**	**$ 5,043,413**	**Total**	**$ 5,337,165**	**$ 5,222,255**	**Total**	**$ 5,462,146**	**8.30%**	**$ 418,733**
less Bonds & Interest	840,225	840,248	less Bonds & Interest	847,313	847,344	less Bonds & Interest	866,750	3.15%	26,502
PTELL Subtotal	**$ 4,302,028**	**$ 4,203,165**	**PTELL Subtotal**	**$ 4,489,852**	**$ 4,374,911**	**PTELL Subtotal**	**$ 4,595,396**	**9.33%**	**$ 392,231**
City	*$ 3,426,246*	*$ 3,426,430*	*City*	*$ 3,554,858*	*$ 3,555,130*	*City*	*$ 3,733,109*	***8.95%***	*$ 306,679*
Lib (excluding Debt Service)	*875,782*	*776,734*	*Lib (excluding Debt Service)*	*934,994*	*819,781*	*Lib (excluding Debt Service)*	*862,287*	***11.01%***	*85,553*

Exhibit D

Illinois Dept. of Revenue
History of CPI's Used for the PTELL
01/12/2022

Year	December CPI-U	% Change From Previous December	% Use for PTELL	Comments	Levy Year	Years Taxes Paid
1991	137.900	--				
1992	141.900	2.9%	2.9%		1993	1994
1993	145.800	2.7%	2.7%	(5 % for Cook)	1994	1995
1994	149.700	2.7%	2.7%		1995	1996
1995	153.500	2.5%	2.5%		1996	1997
1996	158.960	3.6%	3.6%		1997	1998
1997	161.300	1.5%	1.5%		1998	1999
1998	163.900	1.6%	1.6%		1999	2000
1999	168.300	2.7%	2.7%		2000	2001
2000	174.000	3.4%	3.4%		2001	2002
2001	176.700	1.6%	1.6%		2002	2003
2002	180.900	2.4%	2.4%		2003	2004
2003	184.300	1.9%	1.9%		2004	2005
2004	190.300	3.3%	3.3%		2005	2006
2005	196.800	3.4%	3.4%		2006	2007
2006	201.800	2.5%	2.5%		2007	2008
2007	210.036	4.08%	4.1%		2008	2009
2008	210.228	0.1%	0.1%		2009	2010
2009	215.949	2.7%	2.7%		2010	2011
2010	219.179	1.5%	1.5%		2011	2012
2011	225.672	3.0%	3.0%		2012	2013
2012	229.601	1.7%	1.7%		2013	2014
2013	233.049	1.5%	1.5%		2014	2015
2014	234.812	0.8%	0.8%		2015	2016
2015	236.525	0.7%	0.7%		2016	2017
2016	241.432	2.1%	2.1%		2017	2018
2017	246.524	2.1%	2.1%		2018	2019
2018	251.233	1.9%	1.9%		2019	2020
2019	256.974	2.3%	2.3%		2020	2021
2020	260.474	1.4%	1.4%		2021	2022
2021	278.802	7.0%	5.0%		2022	2023

Taxing District VCYV - CITY OF YORKVILLE

Equalization Factor 1.000000

Property Type	Total EAV	Rate Setting EAV
Farm	3,524,082	3,524,082
Residential	525,666,245	524,668,429
Commercial	83,228,771	79,815,145
Industrial	15,513,339	15,512,284
Mineral	0	0
State Railroad	77,628	77,628
Local Railroad	0	0
County Total	**628,010,065**	**623,597,568**
Total + Overlap	**628,010,065**	**623,597,568**

PTELL Values	
Annexation EAV	0
Disconnection EAV	0
Recovered TIF EAV	0
Agg. Ext. Base (2020)	3,426,430
Limiting Rate	0.57993
% of Burden	0.00%
TIF Increment	4,412,497
New Property	24,487,989
New Property (Overlap)	0
Total New Property	**24,487,989**

Road and Bridge Transfer

Road District	Fund	Amount Extended
TTBRRD - BRISTOL ROAD DISTRI	999	$58,316.77
TTKERD - KENDALL ROAD DISTR	999	$57,760.45
Total		**$116,077.22**

Fund/Name	Levy Request	Max. Rate	Calc. Rate	Actual Rate	Non-PTELL Extension	PTELL Factor	Limited Rate	% Burden Rate	Kendall County Total Extension	Percent
** 001 CORPORATE	984,681	0.43750	0.157903	0.15791	$984,722.92	1.00000	0.15791	0.00000	$984,722.92	27.6550
003 BONDS & INTEREST	0	0.00000	0.000000	0.00000	$0.00	1.00000	0.00000	0.00000	$0.00	0.0000
** 014 POLICE PROTECTION	995,406	0.60000	0.159623	0.15963	$995,448.80	1.00000	0.15963	0.00000	$995,448.80	27.9562
** 015 POLICE PENSION	1,334,771	0.00000	0.214044	0.21405	$1,334,810.59	1.00000	0.21405	0.00000	$1,334,810.59	37.4869
** 027 AUDIT	30,000	0.00000	0.004811	0.00482	$30,057.40	1.00000	0.00482	0.00000	$30,057.40	0.8441
** 035 LIABILITY INSURANCE	40,000	0.00000	0.006414	0.00642	$40,034.96	1.00000	0.00642	0.00000	$40,034.96	1.1243
** 047 SOC SEC	150,000	0.00000	0.024054	0.02406	$150,037.57	1.00000	0.02406	0.00000	$150,037.57	4.2137
** 048 SCHOOL CROSS GUARD	20,000	0.02000	0.003207	0.00321	$20,017.48	1.00000	0.00321	0.00000	$20,017.48	0.5622
200 REVENUE RECAPTURE	5,590	0.00000	0.000896	0.00090	$5,612.38	1.00000	0.00090	0.00000	$5,612.38	0.1576
** 999 ROAD & BRIDGE TRANSFE	0	0.00000	0.000000	0.00000	$0.00	1.00000	0.00000	0.00000	$0.00	0.0000
Totals (Capped)	**3,554,858**		**0.570056**	**0.57010**	**$3,555,129.72**		**0.57010**	**0.00000**	**$3,555,129.72**	**99.8424**
Totals (Not Capped)	**5,590**		**0.000896**	**0.00090**	**$5,612.38**		**0.00090**	**0.00000**	**$5,612.38**	**0.1576**
Totals (All)	**3,560,448**		**0.570952**	**0.57100**	**$3,560,742.10**		**0.57100**	**0.00000**	**$3,560,742.10**	**100.0000**

*** Subject to PTELL*

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Taxing District LYYV - YORKVILLE LIBRARY

Equalization Factor 1.000000

Property Type	Total EAV	Rate Setting EAV
Farm	3,524,082	3,524,082
Residential	525,666,245	524,668,429
Commercial	83,228,771	79,815,145
Industrial	15,513,339	15,512,284
Mineral	0	0
State Railroad	77,628	77,628
Local Railroad	0	0
County Total	**628,010,065**	**623,597,568**
Total + Overlap	**628,010,065**	**623,597,568**

PTELL Values	
Annexation EAV	0
Disconnection EAV	0
Recovered TIF EAV	0
Agg. Ext. Base (2020)	776,734
Limiting Rate	0.13146
% of Burden	0.00%
TIF Increment	4,412,497
New Property	24,487,989
New Property (Overlap)	0
Total New Property	**24,487,989**

Fund/Name	Levy Request	Max. Rate	Calc. Rate	Actual Rate	Non-PTELL Extension	PTELL Factor	Limited Rate	% Burden Rate	Kendall County Total Extension	Percent
003 BONDS & INTEREST	847,313	0.00000	0.135875	0.13588	$847,344.38	1.00000	0.13588	0.00000	$847,344.38	50.7450
** 016 LIBRARY	934,994	0.15000	0.149936	0.14994	$935,022.19	0.87676	0.13146	0.00000	$819,781.36	49.0944
200 REVENUE RECAPTURE	2,637	0.00000	0.000423	0.00043	$2,681.47	1.00000	0.00043	0.00000	$2,681.47	0.1606
Totals (Capped)	**934,994**		**0.149936**	**0.14994**	**$935,022.19**		**0.13146**	**0.00000**	**$819,781.36**	**49.0944**
Totals (Not Capped)	**849,950**		**0.136298**	**0.13631**	**$850,025.85**		**0.13631**	**0.00000**	**$850,025.85**	**50.9056**
Totals (All)	**1,784,944**		**0.286234**	**0.28625**	**$1,785,048.04**		**0.26777**	**0.00000**	**$1,669,807.21**	**100.0000**

*** Subject to PTELL*

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Reviewed By:	
Legal	☐
Finance	☐
Engineer	☐
City Administrator	■
Community Development	☐
Purchasing	☐
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

Mayor's Report #7

Tracking Number

CC 2022-45

Agenda Item Summary Memo

Title: Employee Manual Amendment – Drug Free Workplace

Meeting and Date: City Council – September 27, 2022

Synopsis:

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Majority

Council Action Requested: Approval

Submitted by: Erin Willrett (Name) Administration (Department)

Agenda Item Notes:

Have a question or comment about this agenda item?
Call us Monday-Friday, 8:00am to 4:30pm at 630-553-4350, email us at agendas@yorkville.il.us, post at www.facebook.com/CityofYorkville, tweet us at @CityofYorkville, and/or contact any of your elected officials at http://www.yorkville.il.us/320/City-Council

Memorandum

To: City Council
From: Erin Willrett, City Administrator
CC: Bart Olson, City Administrator
Date: September 21, 2022
Subject: Revising Section 2.7 Drug Free Workplace Policy, City of Yorkville Employee Manual

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Summary

Revising Section 2.7 Drug Free Workplace Policy of the City of Yorkville Employee Manual to include the specific expectations of the DOT drivers.

Background

Section 2.7 outlines the drug free workplace policy for all employees, including Non-Department of Transportation (DOT) and Department of Transportation (DOT) employees was last updated in 2019. While scheduling the annual reasonable suspicion training for DOT employees, it was recommended that the City adopt language specific to this grouping of employees. The attached new language is reflected in red as new section 2.7.1 of the Employee Manual.

The 2019 language stated that DOT drivers must comply with the DOT requirements. The new language outlines the specific expectations of U.S. DOT driving employees regarding substance use. To promote public safety and to help prevent accidents and injuries the U.S. DOT instituted regulations that establish a zero-tolerance level for the presence of alcohol or controlled substances in the system of any individual who operates or maintains a commercial class vehicle. The regulations establish testing requirements to help ensure compliance with the alcohol and controlled substance prohibitions. These are all outlined within the new language.

Recommendation

Staff recommends amending Section 2.7 Drug Free Workplace Policy of the City of Yorkville Employee Manual to include the specific expectations of the DOT drivers.

Resolution No. 2022-_____

A RESOLUTION OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, APPROVING AN AMENDMENT TO THE UNITED CITY OF YORKVILLE EMPLOYEE MANUAL

WHEREAS, the United City of Yorkville, Kendall County, Illinois (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 this State; and,

WHEREAS, the City desires to amend the portion of its Employee Manual which addresses the U.S. Department of Transportation instituted regulations that establish a zero-tolerance level for the presence of alcohol or controlled substances in the system of any individual who operates or maintains a commercial class vehicle license; and,

WHEREAS, it has been determined to be in the best interests of the City to amend Section 2.7 of the Employee Manual, in the form attached hereto in Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois that Section 2.7 of the United City of Yorkville Employee Manual in the form set forth on Exhibit "A" attached hereto and incorporated herein are hereby adopted.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this ____ day of _____, A.D. 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 _____, A.D. 2022.

_____

MAYOR

Attest:

_____

CITY CLERK

2.7 Alcohol and Drug-Free Workplace Policy & Program ("Policy")

a. **Purpose of the Policy**:

United City of Yorkville has a strong commitment to its employees to provide a safe workplace and to establish health care programs that promote employee health and well-being. Consistent with the spirit and intent of this commitment, the City has established this policy regarding drug and alcohol abuse. Quite simply, the City's goal will continue to be one of establishing and maintaining a work environment that is free from the effects of alcohol and drug abuse.

While the City has no intention of intruding into the private lives of its employees, the City does expect employees to report for work in condition to perform their duties. The City recognizes that alcohol and drugs can have an impact on the work place and our ability to accomplish our goal of an alcohol and drug-free work environment.

b. **Preliminary Information**:

1. Be assured that we respect the rights of our employees who are registered patients with debilitating medical conditions who are engaging in the medical use of marijuana in compliance with the law. Therefore, this Policy will be construed in a manner consistent with our rights and obligations under the Illinois Medical Cannabis Program, including any applicable interpretative rules that may apply.

   While the City will not penalize an employee solely for his or her status as a registered qualifying patient under the Compassionate Use of Medical Cannabis Program Act, any employee who is a registered qualifying patient is nevertheless required to comply with this Policy and is subject to discipline up to and including discharge for violations of this Policy and Program.

2. We encourage any employee with a drug or alcohol abuse problem to voluntarily submit to available treatment, including through the City's Employee Assistance Program. In an effort to maintain the high standards of health and safety to which we are committed, we have defined our policy and rules of acceptable conduct in this sensitive area, consistent with the federal Drug-Free Workplace Act, 41 U.S.C. §701 and the Illinois Drug Free Workplace Act, 30 ILCS 580, to the extent applicable.

3. Employees who hold safety sensitive positions and/or jobs that are covered by the Department of Transportation drug and alcohol guidelines ("DOT") will be required to adhere to all applicable laws and regulations related to drug and alcohol use, abuse and testing, etc. In the event of a conflict between a provision of this Policy and the DOT regulations, the DOT regulations will govern in all cases.

4. Employees covered by a collective bargaining agreement ("CBA") are required to comply with this Policy and the applicable terms of the CBA. In the event of a conflict between this Policy and the terms of the CBA, the CBA will govern for applicable employees.

c. **"Drugs" defined:**

The term "drug" as used in this Policy refers to both legal and illegal controlled substances unless the legal use is pursuant to the instruction of a medical professional licensed to prescribe or advise individuals on the use of drugs who has been informed of the employee's job duties and has advised that the substance does not adversely affect the employee's ability to safely perform his or her job. The term "drug" also includes, but is not limited to, cannabis, cocaine, PCP, heroin, morphine, amphetamines and barbiturates.

d. Forms/Receipt/Other:

Appendices A, B, and C are attached and have been incorporated into this Policy by reference for use by the City when applicable pursuant to this Policy and/or when otherwise required and consistent with our legal obligations.

e. **Policy Prohibitions** (not an all-inclusive list):

1. The use, sale, purchase, manufacture, distribution, dispensation, transfer, or possession of any drug (as defined earlier) and/or alcohol, is prohibited on City premises, and is cause for immediate discharge. The phrase "City premises" includes (without limitation) all job sites, land, property, buildings, structures, installations, parking lots, machinery, vehicles or other means of transportation owned or managed by or leased to City or otherwise being utilized for the City business, and private vehicles while parked or operated on the City premises. Any illegal substances found on City premises will be turned over to the appropriate law enforcement agency and may result in criminal prosecution.

2. Employees are prohibited from working with a detectable amount of alcohol or drugs in their system. Employees are also prohibited from consuming any amount of alcohol or drugs during working time, on-call periods, or during breaks. Any employee violating this prohibition will be subject to disciplinary action up to and including immediate discharge. (Consequently, employees are not allowed to consume alcohol or cannabis during meals or breaks.)

3. Employees must not perform safety-sensitive duties, such as operating a motorized vehicle, if they are aware of any medical condition or have used alcohol or a drug (including prescribed medicine or cannabis) that may adversely affect their ability to perform such duties or that may affect safety, employees, or the public. Such an employee should notify his or her supervisor of the situation as soon as the employee becomes aware of the situation to determine if a reasonable accommodation may be necessary. Any employee violating this prohibition will be subject to disciplinary action up to and including immediate discharge.

4. Under no circumstances may an employee operate an automobile (private, rental or City owned) for business purposes while intoxicated or under the influence of or impaired by alcohol or cannabis, even if outside of working hours. Any employee violating this prohibition will be subject to disciplinary action up to and including immediate discharge.

5. The City reserves the right to inspect packages, bags, briefcases, desks, lockers, automobiles, etc., where there is a reasonable belief that illegal drugs or alcohol may be present on City property. An employee's failure to cooperate with an investigation may result in disciplinary action, including but not limited to immediate discharge.

6. An employee suspected of being under the influence of alcohol or a drug due to specific articulable symptoms (e.g., symptoms of the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, negligence or carelessness in operating equipment or machinery, disregard for the safety of the employee or others, disruption of a production or manufacturing process, or carelessness that results in any injury to the employee or others), or an employee who is involved in an on-the-job accident which results in property damage or which requires medical treatment, may be required to take a medically approved test(s), to be given by authorized medical personnel, to determine whether this Policy and Program has been violated.

e. **Request to Submit to Testing for Alcohol and/or Drug Use or Abuse**

1. The City reserves the right to consider any employee suspected of being impaired by or under the influence of cannabis during working hours or any on-call period to be in violation of this Policy. This determination will be determined based on when the employee manifests specific, articulable symptoms while working of decreased or lessened performance of the duties or tasks of the employee's job position, including (without limitation) symptoms of the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, or negligence or carelessness in operating equipment or machinery; disregard for the safety of the employee or others, or involvement in any accident that results in damage to equipment or property or medical treatment of someone involved; disruption of a production or manufacturing process; or carelessness that results in any injury to the employee or others.

2. The City also may require an employee to submit to a drug test if the City has a good faith belief that an employee is or may be under the influence of cannabis or impaired by cannabis during working time based on articulable symptoms such as those set forth in the preceding subsection of this Policy. Employees who are required to submit to a drug test pursuant to this subsection will be afforded a reasonable opportunity to contest drug test request or results.

3. The City also may require an employee to submit to a drug or alcohol test for other reasons where it has a reasonable suspicion that an Employee is or may be in violation of this Policy, including (without limitation) after an employee is involved in an incident or accident that results in damage to property or equipment in excess of $1500 and/or that is sufficiently serious to require medical treatment to an employee or third party. These issues will be addressed on a case-by-case basis based on the circumstances involved to determine if a test is justified.

4. An employee's refusal to submit to a drug and/or alcohol test upon request may result in disciplinary action, up to and including immediate discharge. Refusal includes refusing to report immediately to the testing location upon request, refusal to sign a

medical test authorization form as required by the City, refusal to provide specimens unless medically incapable of doing so, and/or attempts to falsify or interfere with the testing process, including failure to comply with instructions or attempting to substitute, dilute, or otherwise change specimens to be tested. Employee consent to testing under this Policy will not act as a waiver of disciplinary action, up to and including discharge for a Policy violation.

5. While the City awaits the results of a drug and/or alcohol test, the employee may be suspended without pay. In this situation, if the results of the test are negative, the employee normally will be reimbursed for regular working time lost due to taking the test(s).

e. **Convictions for Drug Related Activity**

Employees who are convicted for off-the-job drug-related activity may be considered to be in violation of this Policy and Program. Employees shall notify the City of any criminal drug statute conviction no later than five (5) days after such conviction.

In deciding what action to take, the City will conduct an individualized assessment of the situation and consider the nature of the charges, the nature of the employee's present job assignment, the employee's record with the City, the impact of the employee's conviction on the City and any other factor the City may deem relevant. The City will only take employment actions related to convictions which are job related. Alternatively, and in keeping with the City's desire to encourage treatment and rehabilitation where possible, the City may require a convicted employee to successfully complete an approved drug rehabilitation program in lieu of other disciplinary action.

f. Return to Work Testing

An employee who returns to work after a leave of absence for any reason lasting longer than 365 consecutive work days, may be required to submit to a return to work drug screen evaluation to ensure the employee can safely perform his essential job functions either with or without a reasonable accommodation if medically necessary.

g. EAP or Other Reasonable Accommodations:

Employees with an alcohol or drug use or abuse problem are encouraged to contact the City's Employee Assistant Program for possible referral for treatment. The City will not discipline an employee who voluntarily seeks treatment for a substance abuse problem if the employee is not in violation of this Policy and Program or other rules of conduct. The cost of such treatment is at the employee's expense (subject to possible coverage, if any, by group health insurance). Seeking such assistance will not be a defense for violating this Policy and Program nor will it excuse or limit the employee's obligation to meet the City's policies, rules of conduct, and standards, including but not limited to those regarding attendance, job performance, and safe and sober behavior on the job.

h. Assurances against Retaliation

Be assured that no employee who reports a possible Policy violation and/or who seeks a reasonable accommodation to deal with alcohol or drug use or abuse will not be subject to retaliation for that purpose. Of course, an employee who submits an intentionally false report of a possible policy violation will be subject to disciplinary action including immediate dismissal. Note: A report that is unsubstantiated but reported in good faith is not in violation of this Policy.

Appendix A
Acknowledgement of Receipt of
Drug Free Workplace Policy and
Agreement to Abide by Policy

I, _____, hereby acknowledge that I have received a copy of the United City of Yorkville's ("City") Drug Free Workplace Policy ("Policy").

In conjunction with my receiving a copy of the Policy, I further acknowledge the following:

1. I have read the Policy and fully understand the terms contained therein and the consequences for violating any term of the Policy.

2. I understand that my compliance with all terms of the Policy is a condition of my employment with the City, and I agree to abide by all terms of the Policy.

3. As applicable, if a post-accident drug and/or alcohol (if job related) test is required under this Policy and I am seriously injured and unable to provide a specimen at the time of the accident, then this Acknowledgement shall be considered my authorization for the City to obtain hospital reports and other documents which would indicate whether there were any controlled substances and/or alcohol in my system.

4. I authorize the collection site, laboratory and/or medical review officer retained by the City to perform any and all functions which those entities and/or individuals may be required to perform pursuant to this Policy or applicable regulations. Such authorization shall include, but is not limited to, the release of test result information to the City, verification of the use of prescribed medications, obtaining information from the employee's physician, hospital, dentist or pharmacist and the reporting of negative test results with a qualifying statement in cases wherein an employee may be taking a legally prescribed drug.

5. I hereby release and hold harmless the City and its employees and agents from any liability whatsoever arising from the Policy.

6. The City reserves the right to amend or modify this Policy at any time.

_____ _____

Employee's Signature Date

Appendix B

Drug Free Workplace Consent to Testing (Current Employee)

I, _____, acknowledge receiving written notice of the existence of the United City of Yorkville (the "City") Drug Free Workplace Policy (the "Policy").

As a condition of continued employment or service to the City, I understand and agree that I must not use, buy, sell, accept as a gift, experiment with, traffic in or be otherwise involved with illicit or inappropriate drugs or alcohol when it could affect the safe performance of my job. I understand that the Policy does not apply to medication properly taken as prescribed by a licensed physician, except as provided by the Policy.

I further understand and agree that I may be required to submit to testing for the detection of prohibited substances or alcohol based upon suspicion, following an on-the-job accident or injury, or following a violation of this policy.

I understand, further, that refusal to submit to testing when requested to do so by a supervisor will result in discipline up to and including termination.

My signature below indicates my understanding of this Policy and what is expected of me, my consent to be tested and my authorization to release to any collection site personnel, medical review officer or City representative the information necessary to comply with this Policy.

_____ _____

Employee's Signature Date

_____ _____

Witness' Signature Date

Appendix C
Drug Free Workplace Post-Offer Consent to Testing (Applicant)

I, _____, understand and acknowledge the following:

After an offer of employment has been extended by the United City of Yorkville ("the City"), I must undergo a drug screen designed to identify whether or not I use illegal drugs. This drug screen will be administered by a clinic or lab selected by the City. All offers of employment with the United City of Yorkville are contingent on a negative drug test.

Should a positive test result exist, my offer of employment will be automatically rescinded by the City, unless I submit documentation supporting the legitimate use for a specific drug or the specific drug that resulted in a positive determination. This documentation must be made either prior to or within 24 hours after the positive drug result is communicated to me. If I test positive, I may re-apply for employment with the City after a time period of twelve (12) months.

I also understand and agree that should I refuse to consent to a test or test positive for the use of an illegal controlled substance, I will not commence work for the City and the job offer will be automatically rescinded. My employment is expressly conditioned on the successful passage of the pre-employment drug screen.

In recognition of the requirements of the Americans with Disabilities Act (ADA), the City will not discriminate against any applicant who has successfully completed a drug or alcohol rehabilitation program. However, the ADA does not prevent the City from refusing to hire any applicant who tests positive for illicit drug use prior to employment.

I authorize the collection site, laboratory and/or medical review officer retained by the City to perform any and all functions which those entities and/or individuals may be required to perform pursuant to this Policy or applicable regulations. Such authorization shall include, but is not limited to, the release of test result information to the City, verification of the use of prescribed medications, obtaining information from the applicant's physician, hospital, dentist or pharmacist and the reporting of negative test results with a qualifying statement in cases wherein an applicant may be taking a legally prescribed drug.

I understand and agree my employment with the City, if any, is for no definite period of time and that the City may elect to discontinue my employment relationship for whatever reason it considers proper and at any time. I, likewise, may leave the City for whatever reason I consider proper and at any time.

I hereby release and hold harmless the United City of Yorkville and its employees and agents from any liability whatsoever arising from this Policy.

_____ _____

Employee's Signature Date

_____ _____

Witness' Signature Date

2.7.1 DRUG AND ALCOHOL PROCEDURES FOR CDL EEMPLOYEES

Introduction

To promote public safety and to help prevent accidents and injuries the U.S. Department of Transportation (D.O.T.) instituted regulations that establish a zero-tolerance level for the presence of alcohol or controlled substances in the system of any individual who operates or maintains a commercial class vehicle. The regulations establish testing requirements to help ensure compliance with the alcohol and controlled substance prohibitions. The controlled substances prohibited by the D.O.T. regulations are: Marijuana, Cocaine, Opiates, Amphetamines, and Phencyclidine (PCP). The following procedures have been developed to implement the D.O.T. regulations which can be found in 49 CFR Parts 40 and 382. The numbers inside the parentheses appearing in many of the sections refer to 49 CFR Part 40 or 382 sections relevant to the procedure. Employees who violate this policy are subject to disciplinary action, up to and including discharge.

Adverse Effects of Alcohol and Drug Use

Unlawful use of drugs and alcohol poses several risks. Alcohol and drug abuse can lead to several health problems, such as lung cancer, obstructive pulmonary disease, chronic respiratory infections, liver disease, high blood pressure, cardiac disease, and seizures. Drug abusers are at an increased risk for AIDS and hepatitis.

The impairments drugs cause mean users (and their nearby co-workers) suffer more accidental injuries and motor vehicle accidents. Drugs can also rob the user of his or her ability to place for and reach long-term goals, to deal constructively with stress and anxiety, or to have successful and satisfying friendships and family relationships. Because drug use is unlawful, lives can be ruined when users are arrested, jailed or injured by drug-related violence.

Affected Employees

The following employees are subject to these alcohol and drug procedures, restrictions, and requirements: All employees who are required to have a valid CDL driver's license as a condition of employment and operate a commercial vehicle for the City. This includes full-time and part-time employees.

The above employees are always subject to these procedures and regulations while on duty including all overtime and call back time. An exception may be made by Management to exempt an employee from alcohol use restrictions if the employee is attending off site training and is not expected to return to duty for the remainder of the day.

Employee Requirements (382.201 to .215):

To meet the D.O.T. regulations, the following requirements are placed upon affected employees. Exceptions to these requirements may be made by Human Resources in making temporary work assignments for employees.

Affected employees will not consume any product containing alcohol or controlled substances while on duty.

Affected employees will not report for duty while there is any alcohol or controlled substance in their system (unless the use is pursuant to the instruction of a physician who has been informed of the affected employee's job duties and has advised the affected employee that the substance does not adversely affect his/her ability to safely perform his/her job).

Affected employees will not possess any product containing alcohol or controlled substances while on duty.

Affected employees cannot report for duty within four hours of having consumed alcohol and may not perform safety-sensitive functions (this includes but is not limited to operating motor vehicles or equipment) within four hours after using alcohol.

Affected employees must immediately report for testing when so ordered and must cooperate with testing personnel and procedures.

Affected employees must agree to release testing results to the City and to the substance abuse professional (S.A.P.), and to release the substance abuse professional's report to the City.

Affected employees cannot consume alcohol for eight hours following an accident involving a death or an accident for which the employee received a moving violation for their operation of a commercial class vehicle which contributed to the accident or until the employee undergoes a post-accident or controlled substance test, whichever occurs first. The employee must remain available for testing for a period of eight hours for an alcohol test or 72 hours for a controlled substance test.

Tests Performed

Detailed descriptions of the testing procedures are contained in 49 CFR Part 40 and Part 382 of the Federal Regulations. A brief description of the testing procedure follows.

Alcohol Test

Employee immediately reports to the designated testing facility, shows a photo identification card, and signs testing form.

Employee blows into alcohol testing device. If employee cannot exhale enough quality of air through the machine for a complete test a medical exam will be performed.

If test results are negative the employee returns to work. Results will be reported to Human Resources.

If test results are positive, another test will be performed after a 15-minute wait but before 20 minutes. The employee may not eat or drink anything nor belch during the waiting period for the retest.

If retest results are negative, test is reported to Human Resources as negative.

If retest results are positive, the test results are immediately reported to Human Resources.

Controlled Substances Test

Testing will only be performed for the five controlled substances prohibited by the D.O.T. regs - Marijuana, Cocaine, Opiates, Amphetamines, and Phencyclidine.

Employee immediately reports to the designated testing facility, shows a photo identification card, and signs the testing form.

Employee provides a urine sample. If unable to provide enough quantity for testing, the employee will be asked to drink water (up to 24 oz. in two hours) and attempted again.

Hospital personnel will perform required testing to verify that the specimen sample has not been tampered with. The employee returns to work.

Sample is sent to Lab where it is split in half. A screening test is performed on a portion of one of the sample splits. If negative results are obtained the testing is reported as negative to the medical review officer (M.R.O.) who in turn reports negative results to Human Resources. If screening tests are positive, sophisticated confirmation testing is performed on the rest of the split sample. Results are reported to the M.R.O. If negative the M.R.O. reports a negative result to Human Resources.

If the results are positive, confirming the presence of one of the five controlled substances, the M.R.O. will contact the employee to talk over the results of the test to determine if there is a legitimate clinical reason for the presence of the drug, and will decide if test results are negative or positive. If the employee cannot be reached by the M.R.O., Human Resources will be contacted to tell the employee to contact the M.R.O. If contact is not made in 72 hours the M.R.O. will determine the test results as positive. The M.R.O. reports to Human Resources test results as positive or negative.

If test results are positive, the employee will be removed from duties of operating or maintaining a commercial class vehicle. The employee has 72 hours in which to request a retest of the second split sample and can request that the split sample be tested at a second lab. A negative retest of the split sample will cancel the first positive results.

Six circumstances under which testing will be performed:

1. **Pre-employment Testing (382.301, 413)**

Before a new employee is hired or before an existing employee may be transferred to a position in which operating or maintaining a commercial class vehicle is required, both alcohol and controlled substance testing is required.

If an employee has not been in a random testing pool for one month, then alcohol and controlled substance testing must be performed before the employee may operate or maintain a commercial class vehicle.

Alcohol test results must be below 0.04 and controlled substances negative or the employee cannot be hired to the position without a substance abuse professional evaluation. There is no requirement that the prospective employee be hired or that they see the M.R.O. or S.A.P., but an attempt must be made to inform the prospective employee of the test results and to seek an evaluation.

In addition to submitting to testing, the prospective employee must supply the City with the names of all firms for which they have been employed in the previous two years operating or maintaining commercial class vehicles. Additionally, the City will conduct a pre-employment query of the D.OT.'s database containing records of drug and alcohol program violations (referred to as the "Clearinghouse") about whether the prospective employee has: (1) a verified positive, adulterated or substituted controlled substances test result; (2) an alcohol confirmation test of 0.04 or higher; (3) refused to submit to a test in violation of 382.211; or (4) an employer has reported actual knowledge that the prospective employee used alcohol on duty or before duty or following an accident; or (5) used a controlled substance. The City will report these categories of information to the Clearinghouse when it collects it. In addition, the City will report to the Clearinghouse a S.A.P.'s report of the successful completion of the return-to-duty process, a negative return-to-duty test, and reports of completing follow-up testing in accordance with FMCSA requirements. Thereafter, the City will conduct an annual query of the Clearinghouse.

The prospective employee must cooperate fully with the City in obtaining from each of the previous employer's results of any positive test, S.A.P.'S reports, and any refusals to test. The City will retain records of queries, consents and results for at least three (3) years.

2. **Random Testing (382.305)**

All affected employees will be placed in pool from which random selections for testing will be made. Random testing will be for both alcohol and controlled substances.

The annual rate of testing for the entire pool will be as directed by the U.S. Secretary of Transportation, currently 10% per year for alcohol and 50% per year for illegal drugs.

Every employee in the selection pool has an equal chance of being selected each time a drawing is made.

Selection for testing will be performed on a sufficiently random basis. Employees will not know when testing is complete for the year nor when to anticipate the next selection.

A surplus of names will be generated so that another selection may be made in place of an employee who is temporarily on leave.

The City will report or cause to be reported positive test results based on random testing to the Clearinghouse when required by law. Refusals to test or failure to cooperate with testing may be subject to reporting to the Clearinghouse, as required by law.

3. **Reasonable Suspicion Testing (382.307)**

When a supervisor has reason to believe that an employee has alcohol or controlled substances in their system, they contact another supervisor or management official trained in the signs and symptoms of drug and/or alcohol misuse who will also observe the employee. If both supervisors agree, the employee will be driven the designated testing facility for alcohol or controlled substances testing as appropriate.

The supervisor's determination must be based upon specific, describable, current observations of the employee's appearance, behavior, speech or body odor. Possession alone is not enough cause to require the employee to submit to testing.

When a reasonable suspicion determination has been made, the employee must immediately stop operation or maintenance of a commercial class vehicle. (For 24 hours or until a negative test result whichever comes first).

The employee will be informed of his or her right to consent or refuse testing, and the consequences of refusing testing or failing an alcohol or drug test. The employee will be asked to review and sign a Consent/Refusal Form.

The supervisor calls the designated testing facility to advise that the employee will be reporting for the testing. The employee under suspicion must be accompanied to the testing facility, preferably by a supervisor.

If an employee refuses to submit to a test, he or she will be required to call someone to drive him or her home. If unable to find someone, a cab/rideshare will be called. The City will pay for the cab/rideshare cost with reimbursement by the employee when he returns to work. If the employee insists on driving himself or herself, the local Police Department will be called and notified.

Testing for alcohol reasonable suspicion should be performed within two hours but cannot be conducted if eight hours have passed since the determination was made. A written report must be submitted to Human Resources for the file explaining why testing was not performed within two hours. Controlled substances testing should be performed as soon as possible but not after 32 hours since the determination was made.

The supervisor(s) making the determination must submit a signed written description citing the specific observations which led to the reasonable suspicion testing. The written description should be submitted before the test results have been received.

The City will report or cause to be reported positive test results based on reasonable suspicion testing to the Clearinghouse when required by law. Refusals to test or failure to cooperate with testing may be subject to reporting to the Clearinghouse, as required by law.

4. **Post-Accident Testing (382.303)**

a. A surviving driver of a commercial class vehicle involved in an accident in which a death occurred or for which the driver received a ticket for the operation of their commercial vehicle having contributed to the accident, will be tested for both alcohol and controlled substances.

b. The driver will remain readily available for testing after an accident until 32 hours have passed or earlier if a supervisor advises that testing will not be necessary.

c. A driver cannot consume any alcohol within eight hours following an accident unless a supervisor advises that no testing will be required, or testing has already been performed.

d. If a death occurs or a driving citation is issued, alcohol testing will be performed within two hours but no testing after eight hours, and controlled substance testing within 32 hours. A written record must be submitted to file explaining why alcohol testing could not be performed within two hours if such is the case and a record if either testing could not be performed.

e. The City will report or cause to be reported positive test results based on post-accident testing to the Clearinghouse when required by law. Refusals to test or failure to cooperate with testing may be subject to reporting to the Clearinghouse, as required by law.

5. **Return to Duty Testing (382.309):**

Alcohol and controlled substances testing will be performed with negative test results (less than 0.02 alcohol) on all affected employees who:

a. Have been removed from duty of operating or maintaining a commercial class vehicle for refusing to test or testing positive for controlled substances or alcohol greater than 0.04. Employee will be responsible for all costs associated with this classification of return to duty testing or

b. Have not been in a random testing pool for more than 30 days. (Employees who have been on extended leave).

6. **Follow-up Testing (382.311,.605)**

a. Any affected employee who has refused to test or who has tested positive for controlled substances or greater than 0.04 alcohol content and has been determined by a substance abuse professional to require help in dealing with their substance abusers' problem will be subject to follow up testing.

b. Human Resources will order the affected employee to immediately report for surprise alcohol or controlled substance (or both) testing at the frequency prescribed by the substance abuse professional. Human Resources will advise the S.A.P. of the test results. The duration of surprise testing will continue if required by the S.A.P. to a maximum of five years.

c. At a minimum, six unannounced tests will be required within the first 12 months of return to duty. This minimum must be conducted regardless of whether the S.A.P. deems no more testing is required.

d. Employee is responsible for all costs associated with follow-up testing.

e. The City will report negative test results to the Clearinghouse, when required by law.

7. **Consequences of failed or refused tests (382.605)**

a. An employee will be immediately removed from duty upon the employee's refusal to cooperate with testing procedures or upon receipt of positive test results. The City will report such information to the Clearinghouse, as required by law. Employees who refuse to submit to testing or fail an alcohol or drug test are subject to disciplinary action, up to and including discharge.

b. The employee selects a substance abuse professional (S.A.P.). The employee is responsible for payment to the substance abuse professional and subsequent counseling and rehabilitation. The employee's medical insurance may be used to help pay for these services. A list of S.A.P.'s will be provided the employee; however, the employee is free to choose any certified S.A.P.

c. The employee signs a release allowing the City to release the test results to the S.A.P. and signs a release for the S.A.P. to report back to Human Resources. The City will report an employee's completion of the S.A.P return-to-duty process to the Clearinghouse, when required by law.

The S.A.P. will report back to Human Resources that the employee:

a. Does not require any help in dealing with a substance abuse problem - in which case the employee may be returned to full duty.

b. That the employee requires and is cooperating with continued counseling and rehabilitation and may return to full duty or may not return to full duty yet.

c. That the employee requires but is not cooperating with counseling and rehabilitation and may not return to duty.

The employee is responsible for obtaining any counseling or rehabilitation prescribed the S.A.P. and must provide appropriate releases for counseling and rehabilitation professionals to report back to the S.A.P. Employees are advised that the U.S. D.O.T. regs require that the additional counseling and rehabilitation not be performed by any business entity in which the S.A.P. has a financial interest.

8. **When the S.A.P. reports to Human Resources that the employee may return to full duty of operating and maintaining commercial class vehicles the employee must:**

a. Test negative in return to duty alcohol or controlled substances testing (or both tests if so, indicated by the S.A.P.).

b. Continue with any rehabilitation therapy if so, prescribed by the S.A.P.

c. Test negative in unannounced follow up testing as prescribed by the S.A.P. or at a minimum, six tests in the first 12 months of returning to duty as ordered by Human Resources.

d. Information regarding the employee's completion of the S.A.P.'s return to duty steps may be reported to the Clearinghouse, as may be required by law.

Required Training

1. All affected employees will be informed of any new D.O.T. regulations and these policies and procedures to implement the regulations.

2. All supervisory personnel will receive training in recognizing physical signs of alcohol misuse and controlled substance use prior to any employee being ordered to submit to reasonable suspicion testing by that supervisor. Sixty minutes of training for alcohol misuse recognition and 60 minutes of training for controlled substance use recognition is required.

3. All new employees and newly transferred employees to affected positions will receive training prior to operating or maintaining a commercial class vehicle. All newly hired supervisory personnel will receive 60 minutes of alcohol misuse recognition training and 60 minutes of controlled substances use training prior to their requiring any employee to submit to reasonable suspicion testing.

4. All employees will sign a receipt that they attended the training. The receipt will be kept in City records.

NEITHER THIS POLICY NOR ANY OF ITS TERMS ARE INTENDED TO CREATE A CONTRACT OF EMPLOYMENT OR CONTAIN THE TERMS OF ANY CONTRACT OF EMPLOYMENT. THE CITY RETAINS THE SOLE RIGHT TO CHANGE, AMEND, OR MODIFY ANY TERM OR PROVISION OF THIS POLICY, AND WILL PROVIDE NOTICE WHEN IT DOES SO.

PLEASE BE ADVISED THAT THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION ("FMCSA") SETS THE MINIMUM REQUIREMENTS FOR TESTING OF SAFETY SENSITIVE EMPLOYEES. THE CITY'S POLICY IN CERTAIN INSTANCES MAY BE MORE OR LESS STRINGENT FOR OTHER EMPLOYEES.

Appendix D Receipt of Reading Section 2.7.1 Drug and Alcohol Procedures for CDL Employees

I have received a copy of the City's DOT Controlled Substances and Alcohol Procedures for CDL Employees

_____
Date

_____
Driver's Signature

_____
Driver's Name (printed)

_____
Driver Identification

Reviewed By:	
Legal	☐
Finance	☐
Engineer	☐
City Administrator	■
Community Development	☐
Purchasing	☐
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

Mayor's Report #8

Tracking Number

CC 2022-46

Agenda Item Summary Memo

Title: KEH Development Inducement Resolutions

Meeting and Date: City Council – September 27, 2022

Synopsis:

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Majority

Council Action Requested: Approval

Submitted by: Bart Olson (Name) Administration (Department)

Agenda Item Notes:

Have a question or comment about this agenda item?
Call us Monday-Friday, 8:00am to 4:30pm at 630-553-4350, email us at agendas@yorkville.il.us, post at www.facebook.com/CityofYorkville, tweet us at @CityofYorkville, and/or contact any of your elected officials at http://www.yorkville.il.us/320/City-Council

Memorandum

To: City Council
From: Bart Olson, City Administrator
CC:
Date: September 22, 2022
Subject: KEH Development Inducement Resolutions

Summary

Consideration of two inducement resolutions covering three properties in Downtown TIF 1 and Downtown TIF 2 with KEH Development, represented by Pat Harbour and Attorney Boyd Ingemunson.

Background

Within the past few weeks, KEH Development has come to terms with the property owners of the FS property and the grain silos to purchase those properties in anticipation of a future downtown development project. During their own due diligence period, KEH determined that they were also interested in pursuing acquisition of and redevelopment of the City's downtown bank property or Van Emmon Activity Center (VEAC). The developers have no current development proposal nor purchase offer to the City but are working towards a public presentation in the next several weeks. We do anticipate that Mr. Harbour and Attorney Ingemunson will be present at this City Council meeting to simply introduce themselves to the City Council.

In order to move their internal due diligence along on all properties, they requested a public vote by the City Council to engage them with the City's VEAC property. They have let us know that they anticipate a TIF assistance request on all three properties, and so the most natural first City Council discussion would have to involve an inducement resolution. Attorney Orr has drafted two inducement resolutions (one resolution for TIF 1, one for TIF 2) on all three properties, for our consideration. As a general reminder, the inducement resolutions commit the City to nothing; they simply state that the developer has requested TIF assistance, that the City has acknowledged that request, and that we've protected the developers ability to receive TIF assistance for items in the future should the City approve a TIF agreement later.

Should the City Council proceed with the inducement resolutions, we would anticipate the following process for all three properties:

1) KEH Development will refine their VEAC purchase offer to the City and development plans and proposals over the next few weeks
2) KEH Development will present concept plans and development requests to City staff and the Mayor, similar to every other development proposal that comes in front of City Council

3) City staff and the Mayor will provide some early feedback to the developer for consideration
4) KEH Development will present to the City Council or a committee, as determined at the time of their completed proposal and based on the actual contents of their proposals. The process will then move through the various City committees for review and consideration.

Regarding the City's ownership of the VEAC building, we have wide flexibility under TIF law to directly negotiate with the developer and enter into a purchase/development agreement with them. Given the City's lack of success in selling the old post office via RFP and the direct interest and wide experience that the KEH Development team holds, the City staff and Mayor felt comfortable proposing to the City Council a direct sale of the building (rather than another RFP). Again, the inducement resolution doesn't commit the City to sale of the property to KEH, but it would serve as appropriate acknowledgement that the City Council wants the staff to negotiate with the developer directly.

Recommendation

Staff recommends approval of both inducement resolutions with KEH Development.



Downtown TIF Inducement Location Map

United City of Yorkville, Illinois
September 22, 2022

Resolution No. 2022-_____

A RESOLUTION OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, TO INDUCE THE REDEVELOPMENT OF CERTAIN PROPERTIES WITHIN THE YORKVILLE DOWNTOWN REDEVELOPMENT PROJECT AREA

(KEH Development, LLC & KEH Development Three, LLC)

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

WHEREAS, pursuant to its powers and in accordance with the requirements of the Tax Increment Allocation Redevelopment Act of the State of Illinois, 65 ILCS 5/11-74.4-1, *et seq.,* as from time to time amended (the *"TIF Act"),* the Mayor and City Council (collectively, the *"Corporate Authorities"),* pursuant to Ordinance Nos. 2006-46, 2006-47, and 2006-48, respectively, adopted on June 13, 2006, approved a redevelopment plan and project (the *"Redevelopment Plan")* setting forth a plan for the development, redevelopment and revitalization of the redevelopment project area; designated a redevelopment project area known as the Downtown Redevelopment Project Area (the *"Redevelopment Project Area");* and adopted tax increment allocation financing for the Redevelopment Project Area; and,

WHEREAS, KEH Development , LLC, an Illinois limited liability company (the *"Developer")* has submitted a proposal to the City to acquire certain properties located within the Redevelopment Project Area and commonly known as 102 East Van Emmon Street, identified by parcel number 02-33-157-014, and KEH Development Three, LLC, an Illinois limited liability company (the *"Developer")* has submitted a proposal to the City to acquire certain properties located within the Redevelopment Project Area and commonly known the Grainery/Silos,

identified as parcel number 02-33-155-003 (the *"Subject Properties"),* and has informed the City that it intends to assemble the Subject Properties with additional properties in the City's downtown district and substantially redevelop and repurpose the existing structures and construct additional structures thereon (collectively, the *"Project");* and,

WHEREAS, the Developer has also informed the City that the ability to proceed with the Project on the Subject Properties requires financial assistance from the City for certain costs that would be incurred in connection with the Project, which costs would constitute *"Redevelopment Project Costs"* as such term is defined in the TIF Act; and,

WHEREAS, the Developer would like to incur certain costs in connection with the Project prior to the adoption of any ordinance authorizing the execution of a redevelopment agreement between the City and the Developer pertaining to the Subject Properties, wherein which reimbursement for such costs may be considered between the parties subject to certain conditions; and,

WHEREAS, the Developer desires such costs related to the Project be able to qualify for consideration as Redevelopment Project Costs that can be reimbursed utilizing tax increment financing, provided that such costs constitute Redevelopment Project Costs under the TIF Act; and,

WHEREAS, this Resolution is intended to allow the Developer to incur certain costs relating to the Project that may be considered Redevelopment Project Costs under the TIF Act, prior to the adoption of any ordinance authorizing the execution of a redevelopment agreement between the City and the Developer, subject to the conditions set forth in Section 3 of this Resolution.

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

Section 1. That the above recitals are incorporated herein and made a part hereof.

Section 2. That the City Council may consider expenditures that are *"Redevelopment Project Costs",* as such term is defined in the TIF Act, in connection with the proposal of the Developer, or the Developer's assignees, to undertake the Project, incurred prior to the adoption of an Ordinance authorizing the execution of a redevelopment agreement with the Developer, or a successor or assignee of the Developer, to be expenditures that are eligible for reimbursement through the TIF Act to the extent the Project is in furtherance of the Redevelopment Plan for the overall Redevelopment Project Area.

Section 3. That all undertakings of the City set forth in this Resolution are specifically contingent upon the City approving and executing a redevelopment agreement with the Developer, or a successor or assignee of the Developer, which provides for the redevelopment of the Subject Properties in accordance with the terms and conditions to be negotiated by the parties.

Section 4. That any financial assistance rendered to the Developer by the City shall be contingent upon the authority, restrictions, terms and conditions imposed by the TIF Act.

Section 5. That this Resolution shall be in full force and effect upon its passage and approval as provided by law.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this ____ day of _____, A.D. 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 _____, A.D. 2022.

_____

MAYOR

Attest:

_____

CITY CLERK

Resolution No. 2022-_____

A RESOLUTION OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, TO INDUCE THE REDEVELOPMENT OF A CERTAIN PROPERTY WITHIN THE YORKVILLE DOWNTOWN REDEVELOPMENT PROJECT AREA #2

(KEH Development Two, LLC)

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

WHEREAS, pursuant to its powers and in accordance with the requirements of the Tax Increment Allocation Redevelopment Act of the State of Illinois, 65 ILCS 5/11-74.4-1, *et seq.,* as from time to time amended (the *"TIF Act"),* the Mayor and City Council (collectively, the *"Corporate Authorities"),* pursuant to Ordinance Nos. 2018-23, 2018-24, and 2018-25, respectively, adopted on March 27, 2018, approved a redevelopment plan and project (the *"Redevelopment Plan")* setting forth a plan for the development, redevelopment and revitalization of the redevelopment project area; designated a redevelopment project area known as the Downtown Redevelopment Project Area #2 (the *"Redevelopment Project Area");* and adopted tax increment allocation financing for the Redevelopment Project Area; and,

WHEREAS, KEH Development Two, LLC, an Illinois limited liability company (the *"Developer")* has submitted a proposal to the City to acquire a certain property located within the Redevelopment Project Area and commonly known as 121 East Van Emmon Street and identified by parcel numbers 02-33-154-013, -014 and -018, and has informed the City that it intends to substantially redevelop and repurpose the Subject Property and the structures thereon (the *"Project");* and,

WHEREAS, the Developer has also informed the City that the ability to proceed with the Project on the Subject Property requires financial assistance from the City for certain costs that would be incurred in connection with the Project, which costs would constitute *"Redevelopment Project Costs"* as such term is defined in the TIF Act; and,

WHEREAS, the Developer would like to incur certain costs in connection with the Project prior to the adoption of any ordinance authorizing the execution of a redevelopment agreement between the City and the Developer, or the Developer's assignees, pertaining to the Subject Property, wherein which reimbursement for such costs may be considered between the parties subject to certain conditions; and,

WHEREAS, the Developer desires such costs related to the Project be able to qualify for consideration as Redevelopment Project Costs that can be reimbursed utilizing tax increment financing, provided that such costs constitute Redevelopment Project Costs under the TIF Act; and,

WHEREAS, this Resolution is intended to allow the Developer, or the Developer's assignees, to incur certain costs relating to the Project that may be considered Redevelopment Project Costs under the TIF Act, prior to the adoption of any ordinance authorizing the execution of a redevelopment agreement between the City and the Developer, subject to the conditions hereinafter set forth in this Resolution.

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

Section 1. That the above recitals are incorporated herein and made a part hereof.

Section 2. That the City Council may consider expenditures that are *"Redevelopment Project Costs",* as such term is defined in the TIF Act, in connection with the proposal of the

Developer, or the Developer's assignees, to undertake the Project, incurred prior to the adoption of an Ordinance authorizing the execution of a redevelopment agreement with the Developer, or a successor or assignee of the Developer, to be expenditures that are eligible for reimbursement through the TIF Act to the extent the Project is in furtherance of the Redevelopment Plan for the overall Redevelopment Project Area.

Section 3. That Resolution No. 2019-07 passed by the City Council on March 12, 2018, including the Subject Property is hereby amended to delete the Subject Project as listed on *Exhibit A* attached hereto.

Section 4. That all undertakings of the City set forth in this Resolution are specifically contingent upon the City approving and executing a redevelopment agreement with the Developer, or a successor or assignee of the Developer, which provides for the redevelopment of the Subject Property in accordance with the terms and conditions to be negotiated by the parties.

Section 5. That any financial assistance rendered to the Developer or the Developer's assignees by the City shall be contingent upon the authority, restrictions, terms and conditions imposed by the TIF Act.

Section 6. That this Resolution shall be in full force and effect upon its passage and approval as provided by law.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this ____ day of _____, A.D. 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 _____, A.D. 2022.

_____

MAYOR

Attest:

_____

CITY CLERK

Reviewed By:	
Legal	☐
Finance	☐
Engineer	☐
City Administrator	☐
Community Development	☐
Purchasing	☐
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

Mayor's Report #9

Tracking Number

CC 2022-47

Agenda Item Summary Memo

Title: Appointment to Park Board

Meeting and Date: City Council – August 23, 2022

Synopsis:

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Majority

Council Action Requested: Approval

Submitted by: Mayor John Purcell

Name Department

Agenda Item Notes:

Have a question or comment about this agenda item?
Call us Monday-Friday, 8:00am to 4:30pm at 630-553-4350, email us at agendas@yorkville.il.us, post at www.facebook.com/CityofYorkville, tweet us at @CityofYorkville, and/or contact any of your elected officials at http://www.yorkville.il.us/320/City-Council

Reviewed By:	
Legal	■
Finance	☐
Engineer	☐
City Administrator	■
Community Development	■
Purchasing Manager	☐
Police	■
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

Economic Development Committee #1

Tracking Number

EDC 2020-32

Agenda Item Summary Memo

Title: Urban (Domesticated) Chickens

Meeting and Date: City Council – September 27, 2022

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

Council Action Previously Taken:

Date of Action: EDC – 09/06/22 Action Taken: Moved forward to City Council agenda.

Item Number: EDC 2020-32

Type of Vote Required: Majority

Council Action Requested: Direction

Submitted by: Krysti J. Barksdale-Noble, AICP (Name) Community Development (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: September 12, 2022
Subject: **Urban (Domesticated) Chickens**

Proposal Summary:

Per the direction from the Economic Development Committee (EDC) at the September 6th meeting, the attached draft ordinance and following table are proposed regulations permitting urban (domesticated) chickens for single-family residentially zoned parcels. The sticking point during the EDC discussion was the requirement of a four foot (4') tall privacy or solid perimeter yard fence (indicated in **red** below).

	CURRENTLY PROPOSED REGULATIONS *(BASED ON 8-2-22 EDC COMMENTS)*
PERMITTED ZONING *(see attached map)*	Lots only zoned E-1, R-1 and R-2 and used for single-family detached residential purposes are permitted: E-1 (2 parcels) R-1 (135 parcels) R-2 (4,935 parcels) Total 5,072 parcels
MIN. LOT SIZE	11,000 sq. ft.
MAX. NUMBER OF CHICKENS	Max. of 6 domestic hens
LOCATION/SETBACK	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.
SANITATION	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.
ENCLOSURE/COOP	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. Four foot (4') tall privacy or solid yard fence required along the perimeter of the lot.
SLAUGHTERING	Prohibited, except for humane or religious reasons.
ROOSTERS	Prohibited
PERMIT REQUIRED	Required w/o Inspection Does not require HOA approval to issue permit ($25.00 one-time fee)

Staff Comments:

As presented, the proposed regulations are consistent with the Oswego Zoning Ordinance to allow chickens on certain residential properties, apart from the perimeter fence requirement. Oswego's ordinance requires a coop structure and outside fence area where the chickens must remain at all times but does not require the perimeter yard to be fenced.

For perspective, there are certain permit applications that requires the installation of a fence per the building ordinance regulations, such as a pool permit and the previously approved beekeeping accessory use. For pools, fences are required either around the pool perimeter or the perimeter of the lot, unless a lockable pool cover is provided. In the case of beekeeping, a six foot (6') tall solid fence, wall or dense vegetative barrier is required when the bee colony Is located within 30 feet of public or private property line.

Attachments

1. Map of Urban Chickens on Residential Parcels =/> 11,000 square feet
2. Current Draft Ordinance
3. September 6, 2022 - EDC Packet Materials

Proposed E-1, R-1, and R-2 Parcels

Parcel Zone	Amout
E-1 District Parcels	2
R-1 District Parcels	135
R-2 District Parcels	4,935
TOTAL:	**5,072**

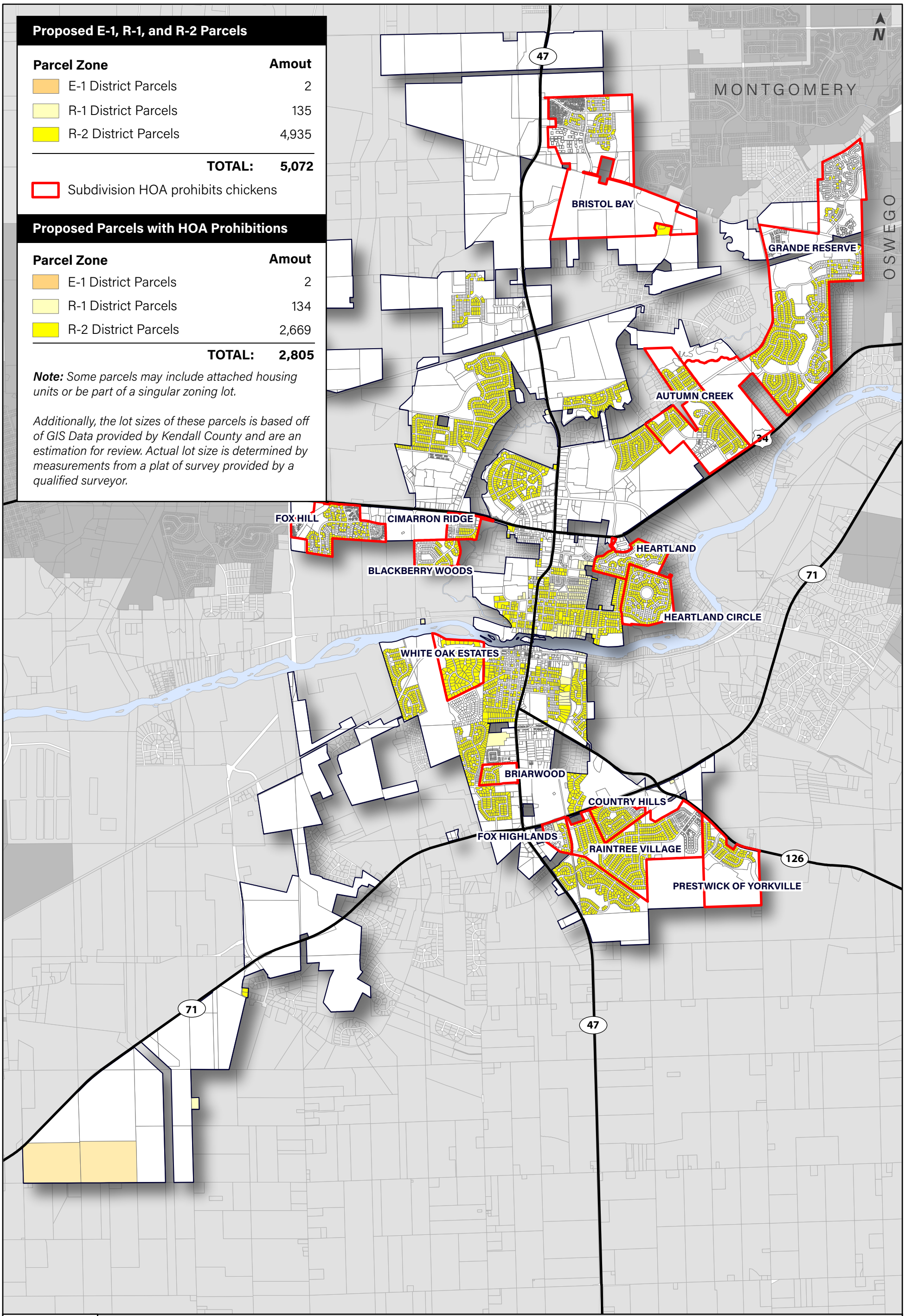
Subdivision HOA prohibits chickens

Proposed Parcels with HOA Prohibitions

Parcel Zone	Amout
E-1 District Parcels	2
R-1 District Parcels	134
R-2 District Parcels	2,669
TOTAL:	**2,805**

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

Additionally, the lot sizes of these parcels is based off of GIS Data provided by Kendall County and are an estimation for review. Actual lot size is determined by measurements from a plat of survey provided by a qualified surveyor.



URBAN CHICKEN >11,000 Square Foot Residential Parcels

United City of Yorkville, Illinois

ADDRESS: 800 Game Farm Road, Yorkville Illinois

DATE: August 9, 2022

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

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

Ordinance No. 2022-_____

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 eleven thousand (11,000) 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.

D. A minimum four foot (4') tall privacy or solid yard fence shall be required along the perimeter of the subject property lot in accordance with Chapter 17 Fencing and Screening of Title 10 Zoning of the Yorkville City Code.

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; and
2. Pay a twenty-five dollar ($25.00) nonrefundable application fee.

B. Permit approval shall allow the Community Development Director or designees to have the right to inspect any enclosure or coop between the hours of 8:00 a.m. and 5:00 p.m. Where practicable, prior notice shall be given to the permittee.

8-19-6: Compliance.

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

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

"AGRICULTURAL ANIMAL: Livestock, poultry with the exception of domesticated 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."

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"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 _____, A.D. 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 _____, A.D. 2022.

_____

MAYOR

Draft 08/08/22
Ordinance No. _____

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~~ eleven thousand (~~12,000~~11,000) 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.

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~~C.~~D. A minimum four foot (4') tall privacy or solid yard fence shall be required along the perimeter of the subject property lot in accordance with Chapter 17 Fencing and Screening of Title 10 Zoning of the Yorkville City Code.

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.~~1. ~~Submit proof of authorization from the applicable homeowner's association;~~ and

~~3.~~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.

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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	_____
MATT MAREK	_____	ARDEN JOE PLOCHER	_____
CHRIS FUNKHOUSER	_____	CRAIG SOLING	_____
SEAVER TARULIS	_____	JASON PETERSON	_____

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this _____ day of _____ 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: August 8, 2022
Subject: **Urban (Domesticated) Chickens**

Summary:

Per the most recent direction from the Economic Development Committee (EDC) at the August 2, 2022 meeting, please see the proposed changes to the draft regulations permitting urban (domesticated) chickens for single-family residentially zoned parcels. The attached draft ordinance has also been revised to reflect the proposed changes enumerated in red in the table below:

	PREVIOUSLY PROPOSED REGULATIONS *(BASED ON OSWEGO ORDINANCE)*	CURRENTLY PROPOSED REGULATIONS *(BASED ON 8-2-22 EDC COMMENTS)*
PERMITTED ZONING *(see attached map)*	R-1 Zoning District (Oswego) 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) R-2 (4,294 parcels) Total 4,417 parcels	Lots only zoned E-1, R-1 and R-2 and used for single-family detached residential purposes are permitted E-1 (2 parcels) R-1 (135 parcels) R-2 (4,935 parcels) Total 5,072 parcels
MIN. LOT SIZE	12,000 sq. ft.	11,000 sq. ft.
MAX. NUMBER OF CHICKENS	Max. of 6 domestic hens	Max. of 6 domestic hens
LOCATION/SETBACK	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.	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.
SANITATION	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.	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.
ENCLOSURE/COOP	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.	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. Four foot (4') tall privacy or solid yard fence required along the perimeter of the lot.
SLAUGHTERING	Prohibited, except for humane or religious reasons.	Prohibited, except for humane or religious reasons.

ROOSTERS	Prohibited	Prohibited
PERMIT REQUIRED	Required, must have HOA approval	Required w/o Inspection Does not require HOA approval to issue permit ($25.00 one-time fee)

Staff Comments:

Staff is seeking formal direction from the Economic Development Committee (EDC) on the proposed revised draft ordinance based on the feedback received at the August 2, 2022 meeting. 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 Urban Chickens on Residential Parcels =/> 11,000 square feet
2. Current Draft Ordinance
3. August 2, 2022 EDC Packet Materials

Proposed E-1, R-1, and R-2 Parcels

Parcel Zone	Amout
E-1 District Parcels	2
R-1 District Parcels	135
R-2 District Parcels	4,935
TOTAL:	**5,072**

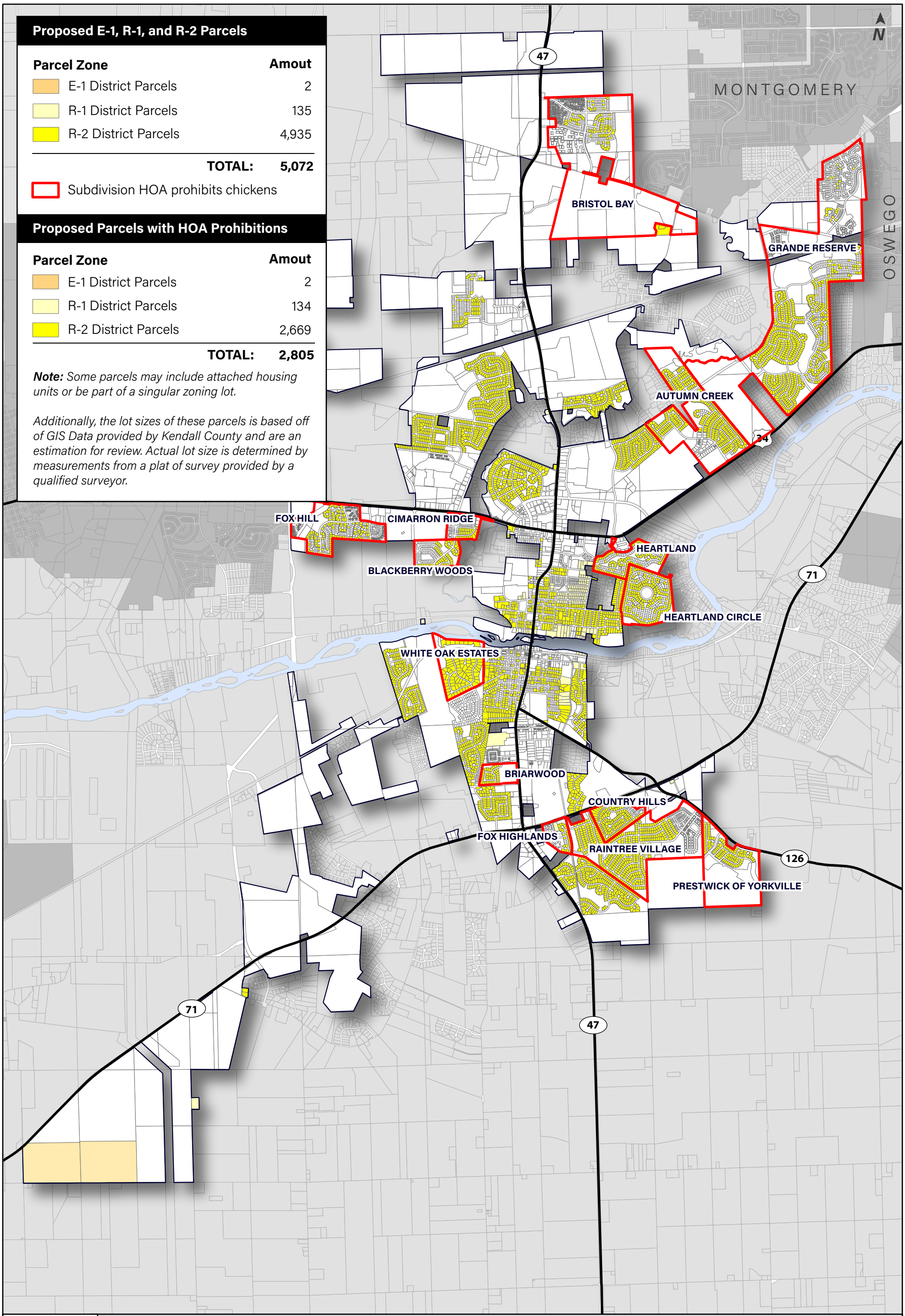
Subdivision HOA prohibits chickens

Proposed Parcels with HOA Prohibitions

Parcel Zone	Amout
E-1 District Parcels	2
R-1 District Parcels	134
R-2 District Parcels	2,669
TOTAL:	**2,805**

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

Additionally, the lot sizes of these parcels is based off of GIS Data provided by Kendall County and are an estimation for review. Actual lot size is determined by measurements from a plat of survey provided by a qualified surveyor.



URBAN CHICKEN >11,000 Square Foot Residential Parcels

United City of Yorkville, Illinois

ADDRESS: 800 Game Farm Road, Yorkville Illinois

DATE: August 9, 2022

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

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

Draft 08/08/22
Ordinance No. 2022-_____

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.

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DOMESTICATED HENS

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CITY CLERK

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_____
MAYOR

Ordinance No. 2022-_____

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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; and
2. Pay a twenty-five dollar ($25.00) nonrefundable application fee.

B. Permit approval shall allow the Community Development Director or designees to have the right to inspect any enclosure or coop between the hours of 8:00 a.m. and 5:00 p.m. Where practicable, prior notice shall be given to the permittee.

8-19-6: Compliance.

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

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

"AGRICULTURAL ANIMAL: Livestock, poultry with the exception of domesticated 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 _____, A.D. 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 _____, A.D. 2022.

_____

MAYOR

Packet materials from EDC meeting on 08/02/22

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 5th 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)
PERMITTED ZONING *(see attached map)*	**Lot must be used for residential purposes** • E-1 (2 parcels) • R-1 (38 parcels) • R-2 (305 parcels) Total 345 parcels	R-1 Zoning District (Oswego) 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) R-2 (4,294 parcels) Total 4,417 parcels
MIN. LOT SIZE	20,000 sq. ft.	12,000 sq. ft.
MAX. NUMBER OF CHICKENS	Max. of 5 chickens	Max. of 6 domestic hens
LOCATION/SETBACK	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.
SANITATION	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.
ENCLOSURE/COOP	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.
SLAUGHTERING	Prohibited	Prohibited, except for humane or religious reasons.

ROOSTERS	Permitted up to 4 months of age	Prohibited
PERMIT REQUIRED	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

Proposed E-1, R-1, and R-2 Parcels

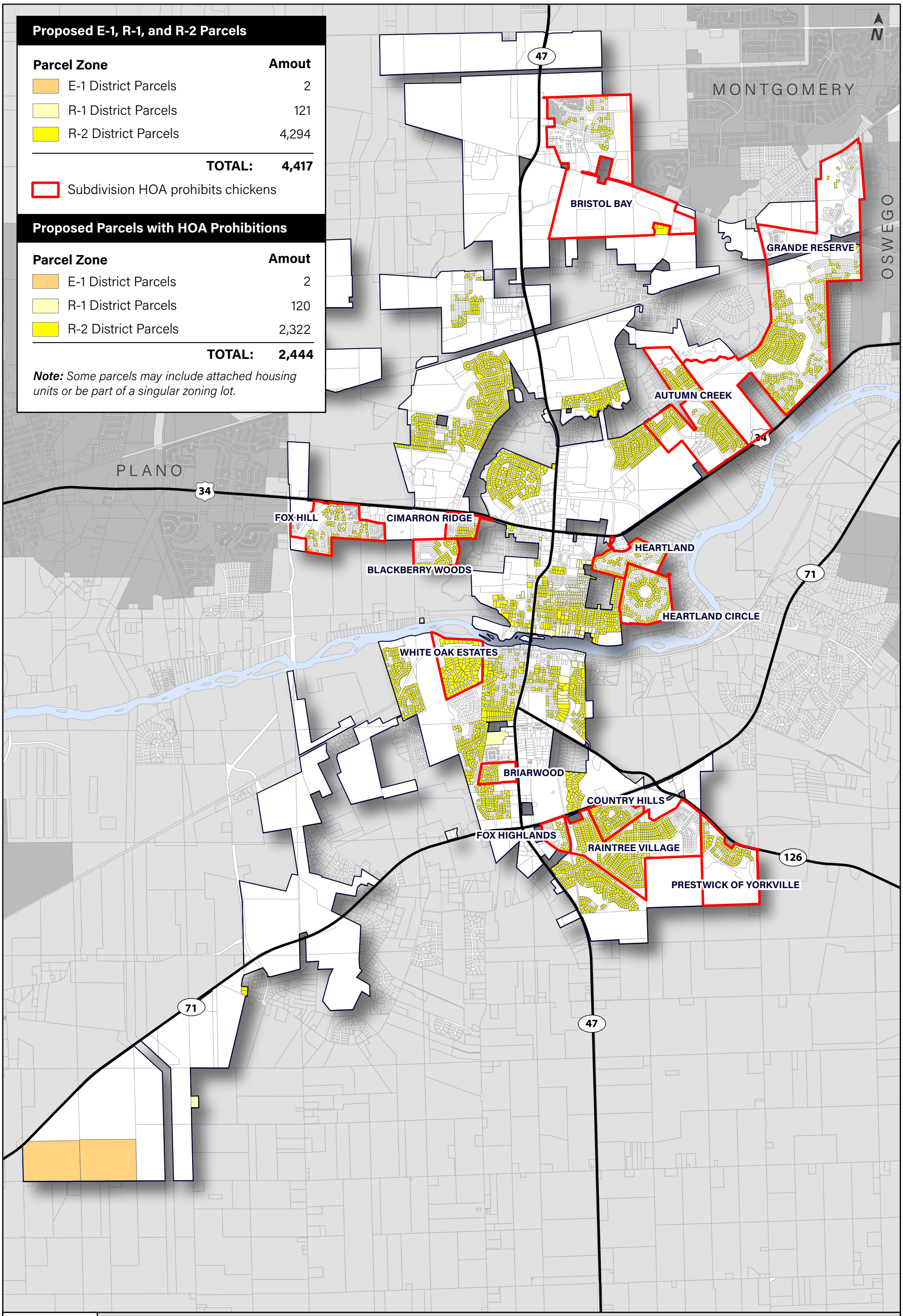
Parcel Zone	Amout
E-1 District Parcels	2
R-1 District Parcels	121
R-2 District Parcels	4,294
TOTAL:	**4,417**

Subdivision HOA prohibits chickens

Proposed Parcels with HOA Prohibitions

Parcel Zone	Amout
E-1 District Parcels	2
R-1 District Parcels	120
R-2 District Parcels	2,322
TOTAL:	**2,444**

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



URBAN CHICKEN >12,000 Square Foot Residential Parcels

United City of Yorkville, Illinois

ADDRESS: 800 Game Farm Road, Yorkville Illinois

DATE: July 28, 2022

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

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

Draft 07/13/22

Ordinance No. 2022-_____

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:

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"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

Packet materials from
EDC meeting 07/05/22

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 3rd 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
PERMITTED ZONING *(see attached map)*	**Lot must be used for residential purposes** • E-1 (2 parcels) • R-1 (24 parcels) • R-2 (39 parcels) Total 65 parcels	**Lot must be used for residential purposes** • E-1 (2 parcels) • R-1 (38 parcels) • R-2 (305 parcels) Total 345 parcels
MIN. LOT SIZE	One (1) acre	20,000 sq. ft.
MAX. NUMBER OF CHICKENS	Max. of 8 chickens	Max. of 5 chickens
LOCATION/SETBACK	Rear/Side Yard 25 ft. setback from property lines	Rear/Side Yard 15 ft. setback from property lines
SANITATION	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.
ENCLOSURE/COOP	Enclosure constructed with a covered, predator-proof roof which allows for two (2) square feet per hen. Chicken-run and/or yard fence required.	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.
SLAUGHTERING	Prohibited	Prohibited
ROOSTERS	Permitted up to 4 months of age	Permitted up to 4 months of age
PERMIT REQUIRED	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

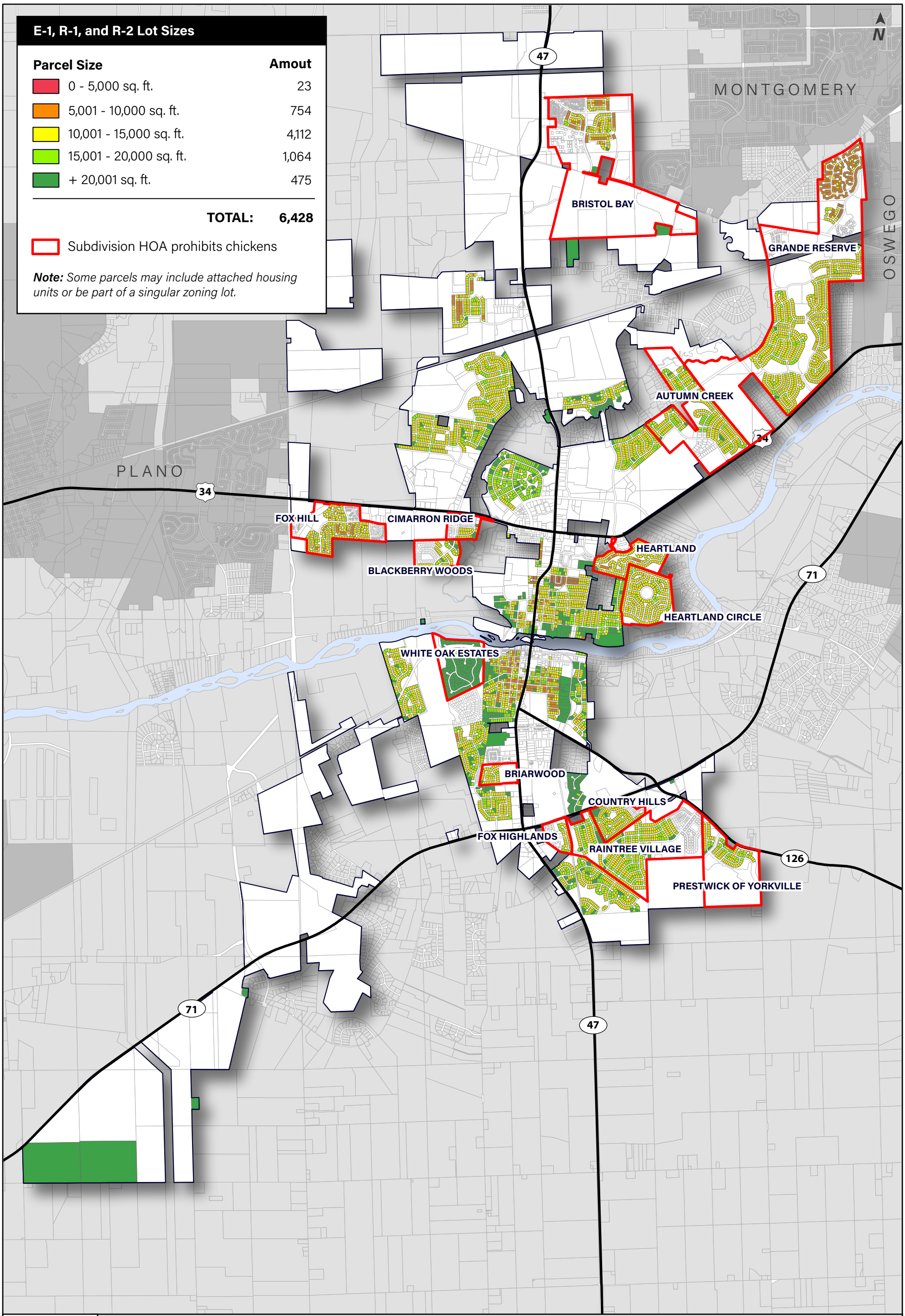
1. Map of Residential Parcels Permitted by Current Draft Ordinance
2. Revised Proposed Draft Ordinance
3. 12-1-20 EDC Packet Materials

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

Parcel Size	Amout
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

Parcels Permitted for Urban Chickens

- E-1 Estate Residential District
- R-1 Suburban Residential District
- R-2 Traditional Residential District

Permitted by Ordinace but Not Allowed per HOA

N

MONTGOMERY

OSWEGO

PLANO

47

34

71

126

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 Prohibitted 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			
	E-1 Estate Residence District	R-1 Single-Family Suburban Residence District	R-2 Single-Family Traditional Residence District	TOTAL
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	
TOTALS:	**2**	**38**	**435**	**475**
TOTAL PARCELS HOA APPROVED	**2**	**38**	**305**	**345**
TOTAL PARCELS HOA PROHIBITTED	**0**	**0**	**130**	**130**

Draft ~~12/02/20~~06/02/22
Ordinance No. _____

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

Packet Materials from
EDC Meeting on 01/05/21

Memorandum

To: Economic Development Committee
From: Krysti J. Barksdale-Noble, Community Development Director
CC: Jason Engberg, Senior Planner
Peter Ratos, Building Code Official
Bart Olson, City Administrator
Date: December 8, 2020
Subject: **Urban (Domesticated) Chickens**

Summary:

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

Policy Proposals:

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

	PROPOSED REGULATIONS
PERMITTED ZONING *(see attached map)*	**Lot must be used for residential purposes** • E-1 (2 parcels) • R-1 (24 parcels) • R-2 (39 parcels) Total 65 parcels
MIN. LOT SIZE	One (1) acre
MAX. NUMBER OF CHICKENS	Max. of 8 chickens
LOCATION/SETBACK	Rear/Side Yard 25 ft. setback from property lines
SANITATION	Performance Standards & Property Maintenance Code applies. Prohibit feed from being scattered on the ground.
ENCLOSURE/COOP	Enclosure constructed with a covered, predator-proof roof which allows for two (2) square feet per hen. Chicken run and/or yard fence required.
SLAUGHTERING	Prohibited
ROOSTERS	Permitted up to 4 months of age
PERMIT REQUIRED	Required w/o Inspection ($25.00 one-time fee)

Proposed Code Amendments:

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

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

Title 8: Building Regulations

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

Title 5: Police Regulations, Chapter 2: Animals

"Agricultural Animal" definition in Section 5-2-1: Definitions will need to be amended to read as follows: "AGRICULTURAL ANIMAL: Livestock, poultry with the exception of domesticated chickens as regulated in Title 8 Chapter 19, and other farm animals."

"Domestic Animal" definition in Section 5-2-1: Definitions will need to be amended to read as follows: "DOMESTIC ANIMAL: Dogs, cats and any other types of animals or fowl, including domesticated chickens as regulated in Title 8 Chapter 19, normally maintained as a household pet or guardian."

Creation of a new definition in Section 5-2-1: Definitions for "domesticated chickens" to read as follows: "DOMESTICATED CHICKENS: A subspecies of the species Gallus Domesticus which are kept in an enclosure in the rear or side yard of a residentially zoned property as permitted and regulated in Title 8 Chapter 19."

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

Section 5-2-5: Agricultural Animals will need to be amended to read as follows:
"Agricultural animals are prohibited within the corporate limits of the city, unless they are domesticated chickens regulated in Title 8 Chapter 19 or are confined within an enclosure on land zoned A-1 agricultural zoning district, in accordance with title 10, chapter 9 of this code."

Proposed Enforcement & Concerns:

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

1. **Property Maintenance Code** – existing provisions within the 2018 International Property Maintenance Code (IPMC) allows for the enforcement of public nuisances such as rodent harborage, maintenance of accessory structures, and proper rubbish and garbage containment, all which may result from unkept chicken coops.
2. **Animals At Large** – existing provisions within 5-2-4: Domestic Animals, prohibits domestic animals from running at large, with or without a tag fastened to its collar, within the corporate limits of the city. When any domestic animal is found on any public street, sidewalk, alley or any unenclosed place it is deemed to be running at large unless firmly held on a leash or is in an enclosed vehicle. This can be an issue if chickens are let loose in a backyard without secure fencing.
3. **Performance Standards** – located in the Zoning Ordinance, performance standards regulate noise (also regulated in Public Health and Safety ordinance the City Code) and odor which are also concerns related to permitting domestic chickens in residential districts.

4. **Permit Revocation** – the Building Code Official has the ability to revoke any valid permit if a violation is found and not corrected. Additionally, the draft ordinance provides that approval of a permit would allow building staff to have the right to inspect any enclosure or coop between the hours of 8:00 a.m. and 5:00 p.m. with prior notice to the permittee, when practical.

5. **Administration Adjudication** - All of the above provisions would require processing through the City's Administration Adjudication procedures which, in addition to compel compliance, but may also issue fines and/or fees to violators.

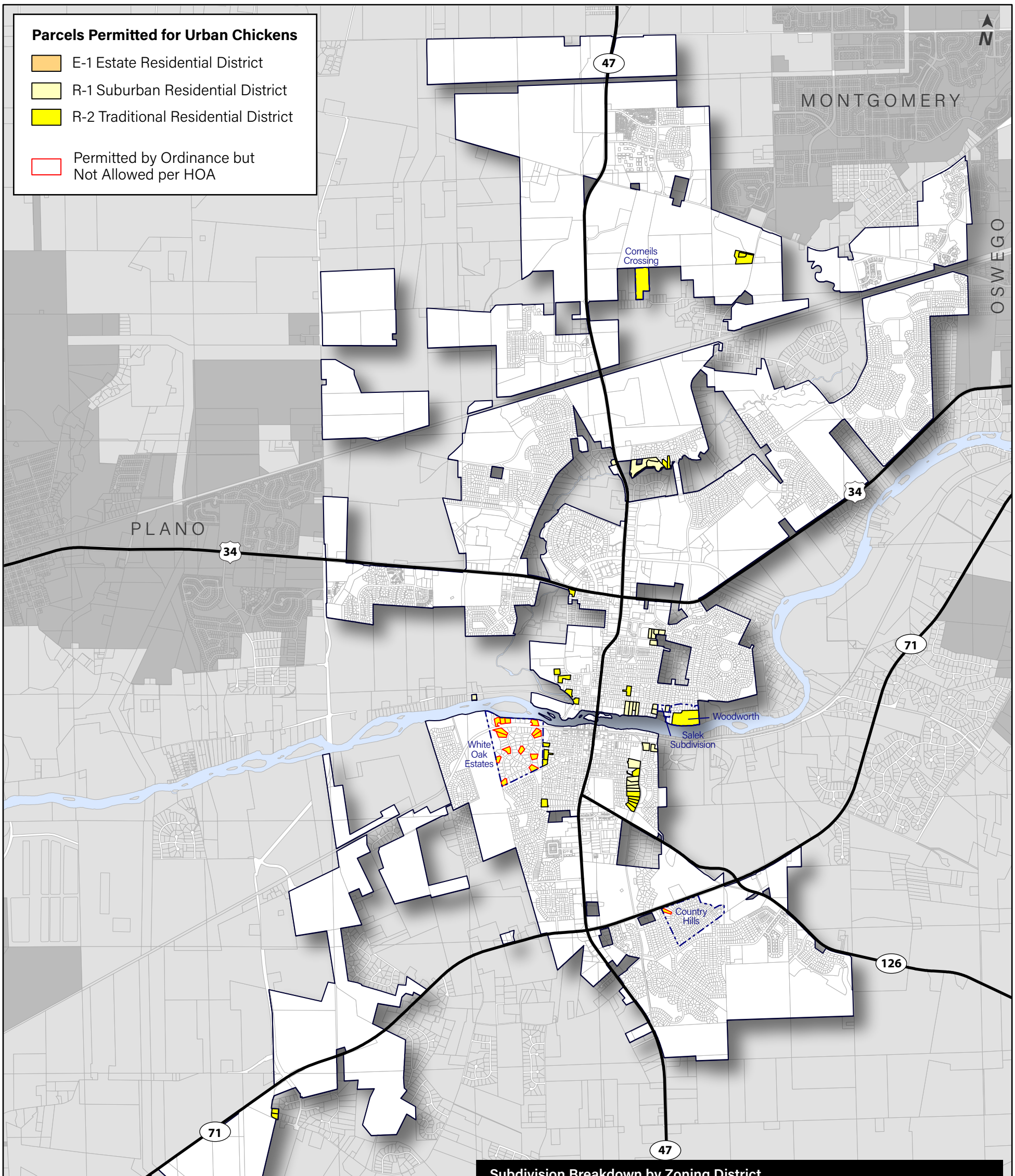
6. **Enforcement Concerns** - the Police Department has expressed concern regarding nuisance and noise complaints, as well as conflicts between this ordinance and HOA regulations. While the proposed enforcement options address the noise and nuisance complaints, the City has no authority to enforce HOA regulations. Chief Jensen will be in attendance at the EDC meeting to discuss their concerns in detail.

Staff Comments:

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

Attachments

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



Subdivision Breakdown by Zoning District

Subdivision	E-1 District	R-1 District	R-2 District	Total
None	2	23	22	**47**
Corneils 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

Draft 12/02/20

Ordinance No. 2021- _____

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

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

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

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

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

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

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

CHAPTER 19
DOMESTICATED CHICKENS

8-19-1: Definitions

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

A. "Coop" means an enclosure constructed with a covered roof.

B. "Domesticated Chicken" means all life stages of the subspecies of the species Gallus Domesticus which are kept in an enclosure in the rear or side yard of a residentially zoned property as permitted and regulated in this Title.

C. "Rooster" means an adult male chicken of the subspecies of the species Gallus Domesticus.

D. "Slaughtering" means the killing of an animal for food or other reason.

8-19-2: Certain conduct declared unlawful.

A. The keeping by any person of domesticated chickens in the City is prohibited except in compliance with this Chapter or upon any property zoned for agricultural uses.

B. The purpose of this article is to establish certain requirements of sound domesticated chicken practices, which are intended to avoid problems that may otherwise be associated with the keeping of chickens in populated areas.

C. Notwithstanding compliance with the various requirements of this Chapter, it shall be unlawful for any persons to keep any domesticated chickens in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others.

8-19-2: Restrictions

A. Domesticated chickens shall be permitted on lots used for residential purposes of one (1) acre or greater in area and zoned within the E-1 Estate, R-1 Single-Family Suburban Residence and R-2 Single-Family Traditional Residence districts.

B. A maximum of eight (8) chickens shall be permitted on any lot.

C. Roosters shall be prohibited.

D. Domesticated chickens and associated enclosures, coops and fencing shall be located within rear or side yard of any lot and must maintain a minimum setback of twenty-five (25) feet from any property line.

E. Slaughtering of domesticated chickens shall be prohibited.

8-19-3: Coop and fence type.

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

8-19-4: Sanitation

A. Enclosures or coops for domesticated chickens shall be kept clean and sanitary at all times. Any dirt or refuse resulting from the fowl or livestock shall be disposed in a clean and sanitary fashion.

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

8-19-5: Permit.

A. Permit applications for domesticated chickens shall be obtained from and submitted to the Community Development Director or his/her designee. At the time of permit application, the applicant shall:

    1. Submit proof of authorization from the property owner to allow domesticated chickens if the property is not owner occupied; and
    2. Pay a twenty-five dollar ($25.00) nonrefundable application fee.

B. Permit approval shall allow the Community Development Director or designees to have the right to inspect any enclosure or coop between the hours of 8:00 a.m. and 5:00 p.m. Where practicable, prior notice shall be given to the permittee.

8-19-6: Compliance.

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

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

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

Section 4: This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this ____ day of _____, 2021.

_____

CITY CLERK

KEN KOCH	_____	DAN TRANSIER	_____
JACKIE MILSCHEWSKI	_____	ARDEN JOE PLOCHER	_____
CHRIS FUNKHOUSER	_____	JOEL FRIEDERS	_____
SEAVER TARULIS	_____	JASON PETERSON	_____

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

_____

MAYOR

Memorandum

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

Summary:

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

Subdivision Homeowner's Association Research:

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

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

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

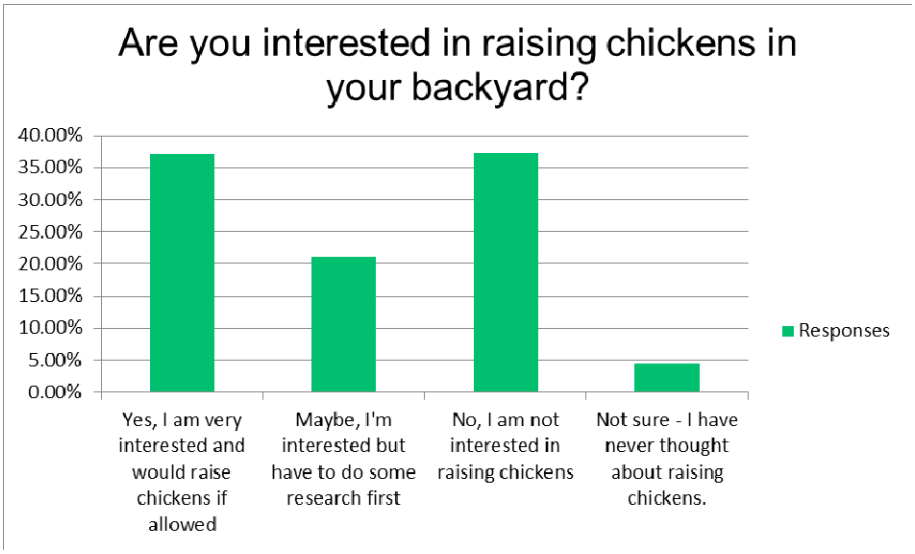
16	**Kendall Marketplace**	Single Family Town Homes	Not Recorded	N/A	N/A	N/A
17	**Kylyn's Ridge**	Single Family	200300036916	30-Sep-03	N	No language specific to pets
18	**Longford Lakes**	Townhomes	200400000827	12-Jan-04	N	No language specific to pets
19	**Prairie Gardens**	Age Restricted	200400006116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

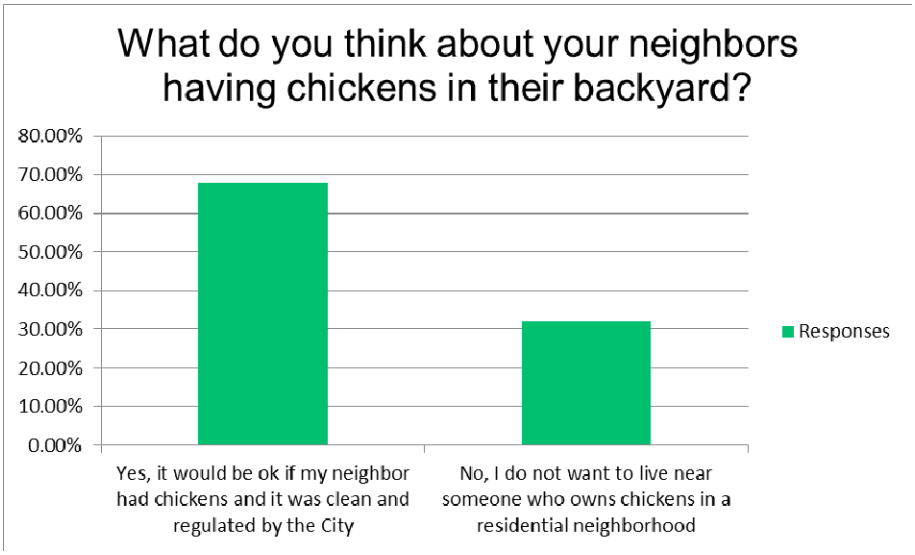
27	**Wildwood**	Single Family	198900891588	27-Mar-89	N	No language specific to pets
28	**Windett Ridge**	Single Family	200300034331	22-Mar-03	N	No language specific to pets

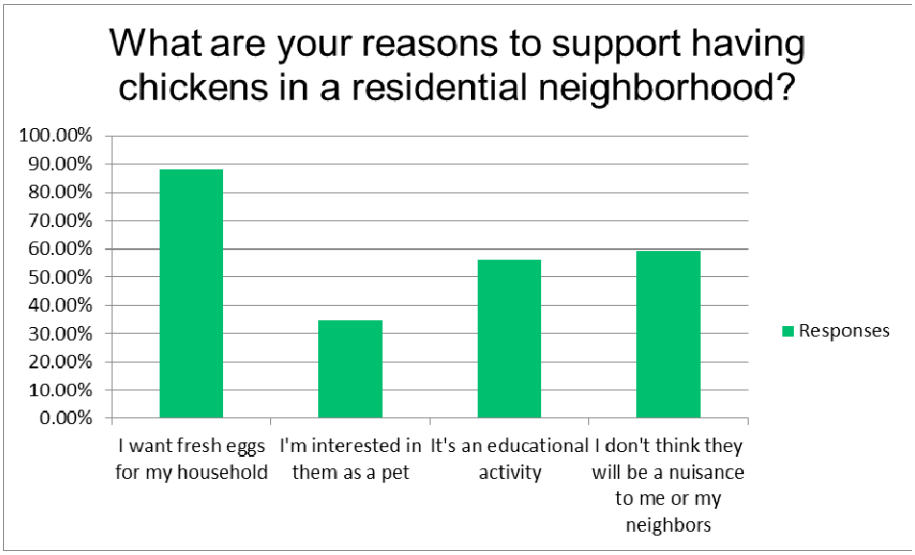
From the information in the above table, 14 of the 28 developments (50.0%) have regulations that specifically do not allow chickens within their HOA covenants. Of the remaining 14 (indicated in red in the table), 10 of the developments (35.7%) have no language specific to any pets and 4 (14.3%) have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

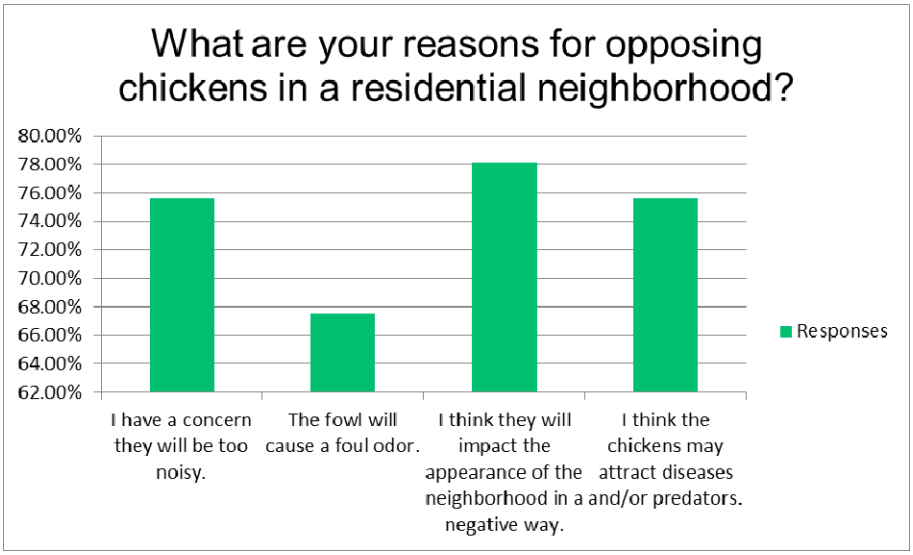
Urban Chicken Public Survey Results:

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

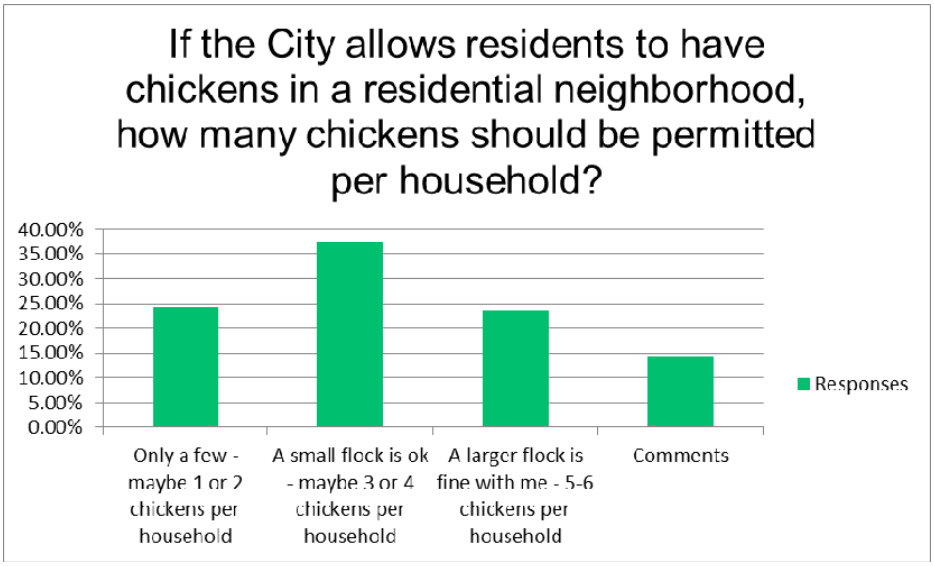





What are your reasons to support having chickens in a residential neighborhood?
100.00%
90.00%
80.00%
70.00%
60.00%
50.00%
40.00%
30.00%
20.00%
10.00%
0.00%
I want fresh eggs for my household
I'm interested in them as a pet
It's an educational activity
I don't think they will be a nuisance to me or my neighbors
Responses


What are your reasons for opposing chickens in a residential neighborhood?
80.00%
78.00%
76.00%
74.00%
72.00%
70.00%
68.00%
66.00%
64.00%
62.00%
I have a concern they will be too noisy.
The fowl will cause a foul odor.
I think they will impact the appearance of the neighborhood in a negative way.
I think the chickens may attract diseases and/or predators.
Responses


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 allo
60.00%
50.00%
40.00%
30.00%
20.00%
10.00%
0.00%
A typical subdivision lot of 12,000 square feet, like Greenbriar, Sunflower Estates, or Prairie Meadows as examples
A larger subdivision lot of 18,000 square feet, like the lots in some parts of Grande Reserve near Bristol Ridge Road
A very large, rural type lot of larger than 1 acre, like some of the older farm houses that are typically adjacent to newer subdivisions
Responses



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

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

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

Staff Comments:

Based upon the research of the City's HOA covenants, only 50% have specific language restricting the raising of backyard chickens. This is consistent with the resident survey responses with 50% supporting backyard chickens in residential subdivisions and 50% opposed. **Therefore, staff is seeking formal direction from the Economic Development Committee (EDC) regarding the request to permit, define and regulate urban/domestic chickens within the city, and to what degree**.

If it is the concurrence of the Committee to amend the City's Code, staff and the City Attorney will prepare the appropriate ordinance language per your direction and present it to the appropriate committees and/or commission at a future meeting with a recommendation to the City Council for final approval.

Attachments

1. Memorandum to Economic Development Committee (EDC) from staff dated July 20, 2020 with attachments presented at the September 9, 2020 meeting.

Memorandum

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

Summary:

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

Research:

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

Regulation	**Best Practice**	**Reasoning**
Permitted Zoning Districts	Single-Family Zoning Districts	• Generally, single-family dwelling units are located on larger lots, able to accommodate needed setbacks to house a coop. • Multi-family dwelling units are limited in lot size to permit every unit to have the opportunity to keep a chicken coop.
Maximum number of chickens	Typically permits a maximum of six (6) chickens.	• Chickens are stock animals which do not thrive alone, so most owners have a minimum of four (4) to maintain a proper "social order". • Allows for owners to have hens that still produce eggs and keep those hens that are still valued by the owner but can no longer lay eggs. • Capping the number of hens to less than six (6) may lead owners who raise chickens for eggs to limit their flock to only egg producers and burden animal shelters with cast-off older hens.
Minimum lot size requirement	If specified, varies depending on Zoning Ordinance requirements (typically 2,500 - 8,000 sq. ft.).	• Generally, the requirement of a minimum lot size reduces the number of residentially zoning districts allowable for urban/backyard chickens (i.e., only permit in E-1 and R-1 districts and not in R-2) • Needlessly creates obstacles to raising chickens in residential districts otherwise suited for the use.

Location and/or Setback Requirements	Located only in rear yards. Minimum of 25 ft. from any side/rear property line.	• Typically seen as an "accessory use" to the primary residential land use, the location is most appropriate in rear yards. • Minimum 25 ft. setback is far enough to reduces nuisance of noise and odor, but also allows smaller properties to meet the standard.
Sanitation Requirements (i.e. Performance Standards)	Requires coop and outdoor enclosure must be kept in a sanitary condition and free from offensive odors and accumulation of waste. Prohibit feed from being scattered on the ground and requiring chickens to be fed from a trough.	• Typically, can be enforced through existing performance standards in Zoning Ordinance and Property Maintenance Code. • Goal is to reduce odor, rodent and accumulation of waste without implementing stringent cleaning requirements which would be impossible to enforce.
Enclosure/Coop Construction	Constructed with a covered, predator-proof roof which allows for two (2) square feet per hen. Some ordinances provide sample construction diagram of wall/roof section and allowed materials. Typically requires a fenced "chicken run" area or located in a fenced yard.	• Ensures adequate protection from natural predators (e.g. foxes, dogs, coyotes, etc.) and designed for easy access for cleaning. • Proposed size of 2 sq. ft. per hen provides adequate space for movement but small enough to keep birds warm in winter. • Fencing is required to allow birds to roam during cleaning but precludes chickens from running at large.
Slaughtering	Prohibited	• Intent of ordinance is for chickens as pets or for raising of hens for eggs, not for meat. • Addresses concerns of health/hygiene concerns related to backyard slaughtering/butchering of chickens.
Roosters	Prohibited or only permitted under four (4) months of age.	• Addresses concerns of noise (crowing) and are not needed for hens to produce eggs for feeding.
Permit Required	Varies by community. Those that require a permit ($0 - $50), city inspection and an annual renewal requirement. Recommended not to permit, but establish regulations, similar to regulating home occupations.	• Inefficient use of City staff time to require a permit/license, review plans and maintain records. • Permit fees, especially if annual, could prove cost prohibitive for chicken owner. • Enforcement of regulations can still occur through the property maintenance process on a complaint basis.

Policy Proposals:

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

	LIMITED REGULATION	MODERATE REGULATION	SUBSTANTIAL REGULATION
PERMITTED ZONING	• E-1 (4 parcels) • R-1 (264 parcels) **Total 268 parcels**	• E-1 (4 parcels) • R-1 (264 parcels) • R-2 (6,358 parcels) **Total 6,626 parcels**	• E-1 (4 parcels) • R-1 (264 parcels) • R-2 (6,358 parcels) • R-2D (207 parcels) **Total 6,833 parcels**
MAX. NUMBER	Max. 8 chickens	Max. 6 chickens	Max. 4 chickens
MIN. LOT SIZE	N/A	12,000 sq. ft.	10,000 sq. ft.
LOCATION/SETBACK	Rear/Side Yard	Rear/Side Yard 25 ft. setback	Rear Yard Only 25 ft. setback
SANITATION	Performance Standards & Property Maintenance Code applies.	Performance Standards & Property Maintenance Code applies. Prohibit feed from being scattered on the ground.	Performance Standards & Property Maintenance Code applies Prohibit feed from being scattered on the ground and 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 in 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

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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.

Summary

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

So much depends
upon

a red wheel
barrow

glazed with rain
water

beside the white
chickens.

William Carlos Williams, 1923.

The movement toward bringing agricultural practices into the city has continued to expand during the last decade.[1] As we learn more about the problems with our modern commercial agricultural practices—like keeping large numbers of animals crowded in small indoor facilities with little or no access to fresh air or sunlight and growing vast amounts of corn and soy in a monoculture environment to feed those animals[2]—many city-dwellers are taking it into their own hands to provide solutions.[3] Community gardens are increasing in cities across the country.[4] Market farms and even full-scale urban farms are popping up both in cities where the foreclosure epidemic has caused an abundance of abandoned properties and in cities where property has maintained or even increased in value.[5] And, farmer's markets have increased exponentially across the country—allowing smaller scale local farmers to directly link to consumers and sell their produce for far above the wholesale amounts they could get from selling through

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

1. Kimberly Hodgson et al., *Urban Agriculture: Growing Healthy Sustainable Places*, American Planning Association, Planning Advisory Service, Report No. 563 (Jan. 2011); Janine de la Salle & Mark Holland, Agricultural Urbanism, Handbook for Building Sustainable Food & Agricultural Systems in 21st Century Cities, 9-12 (2010).
2. *E.g.*, Food, Inc. (Magnolia Pictures 2009); Michael Pollan, The Omnivore's Dilemma: A Natural History of Four Meals (2006); Eric Schlosser, Fast Food Nation: The Dark Side of the All American Meal (2002); Marion Nestle, Food Politics: How the Food Industry Influences Nutrition and Health (2002).
3. *E.g.*, Lisa Taylor, Your Farm in the City: An Urban Dweller's Guide to Growing Food and Raising Livestock (2011); Thomas J. Fox, Urban Farming: Sustainable City Living in Your Backyard, in Your Community, and in the World (2011); Kelly Coyne & Erik Knutzen, The Urban Homestead: Your Guide to Self-Sufficient Living in the Heart of the City (2010); Kurt B. Reighley, The United States of Americana: Backyard Chickens, Burlesque Beauties, and Homemade Bitters (2010).
4. Jane E. Schukoske, *Community Development Through Gardening: State and Local Policies Transforming Urban Open Space*, 3 N.Y.U. J. Legis. & Pub. Pol'y 315, 354 (1999-2000).
5. Hodgson, *supra* note 1, at 3-4.

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more established channels like supermarkets and convenience stores.[6]

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

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

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

6. Patricia E. Salkin & Amy Lavine, *Regional Foodsheds: Are Our Local Zoning and Land Use Regulations Healthy?*, 22 Fordham Envtl. L. Rev. 599, 617 (2011); Brandon Baird, *The Pending Farmer's Market Fiasco: Small-Time Farmers, Part-Time Shoppers, and a Big-Time Problem*, 1 KYJEANRL 49, 49-50 (2008-2009). *See also* Kirk Johnson, *Small Farmers Creating a New Business Model as Agriculture Goes Local*, N.Y.Times, July 1, 2012, http://www.nytimes.com/2012/07/02/us/small-scale-farmers-creating-a-new-profit-model.html?_r=1&ref=agriculture.
7. Hogdson, *supra* note 1, at 17. *See, e.g.*, Robert & Hannah Litt, A Chicken in Every Yard (2011); Harvey Ussery, The Small-Scale Poultry Flock: An All-Natural Approach to Raising Backyard and Urban Chickens (2011); Andy Schneider, The Chicken Whisperer's Guide to Keeping Chickens, Everything You Need to Know . . . and Didn't Know You Needed to Know About Raising Chickens (2011); Tara Layman Williams, The Complete Guide to Raising Chickens: Everything You Need to Know Explained Simply (2010); Jerome D. Belanger, The Complete Idiot's Guide to Raising Chickens (2010); Carlee Madigan, The Backyard Homestead (2009); Kimberly Willis & Rob Ludlow, Raising Chickens for Dummies (2009).
8. *E.g.*, Heather Wooten & Amy Ackerman, *Seeding the City: Land Use Policies to Promote Urban Agricultural*, National Policy & Legal Analysis Network to Prevent Childhood Obesity, 34 (2011); Kailee Neuner et al., *Planning to Eat: Innovative Local Government Plans and Policies to Build Healthy Food Systems in the United States*, Food Systems Planning and Healthy Communities Lab, University of Buffalo, The State University of New York, 17 (2011).
9. *See also* Patricia Salkin, *Feeding the Locavores, One Chicken at a Time: Regulating Backyard Chickens*, 34:3 Zoning & Plan. L. Rep. 1 (2011) (briefly surveying chicken laws); Mary Wood et al., *Promoting the Urban Homestead: Reform of Local Land Use Laws to Allow MicroLivestock on Residential Lots*, 37 Ecology L. Currents 68 (2010).
10. *See, e.g.*, Nicholas D. Kristof, *Is an Egg for Breakfast Worth This?*, N.Y. Times, Apr. 11, 2012, http://www.nytimes.com/2012/04/12/opinion/kristof-is-an-egg-for-breakfast-worth-this.html; Nicholas D. Kristof, *Arsenic in Our Chicken*, N.Y. Times, Apr. 4, 2012, http://www.nytimes.com/2012/04/05/opinion/kristof-arsenic-in-our-chicken.html.
11. Hugh Bartling, *A Chicken Ain't Nothing but a Bird: Local Food Production and the Politics of Land-Use Change*, Local Environment 17(a) (Jan. 2012). For a different take on the political reasons behind backyard chickens, see Shannon Hayes, *Radical Homemakers: Reclaiming Domesticity From a Consumer Culture* (2005) (asserting that urban farming can be a feminist response to modern urbanization).
12. Sarah Grieco, *Backyard Bees, Chickens, and Goats Approved*, NBCSanDiego, Feb. 1, 2012 http://www.nbcsandiego.com/news/local/Backyard-Bees-Chickens-Goats-Approved-138507104.html; Michael Cass, *Backyard Chickens Make Gains in Nashville*, The Tennessean, Jan. 5, 2012, http://www.healthynashville.org/modules.php?op=modload&name=News&file=article&sid=20163; Peter Applebome, *Envisioning the End of "Don't Cluck, Don't Tell*, N.Y. Times, Apr. 30, 2009, http://www.nytimes.com/2009/4/30/nyregions/30town??; Jessica Bennet, *The New Coop de Ville, the Craze for Urban Poultry Farming*, Newsweek, Nov. 16, 2008, http://www.thedailybeast.com/newsweek/2008/11/16/the-new-coop-de-ville.img.jpg. And this movement is not just in the United States; Australia, Canada, and Europe also are experiencing a surge in the number of people keeping backyard hens. *See, e.g.*, *Surge in Backyard Poultry Numbers*, British Free Range Egg Producers Association (Jan. 9, 2011), http://www.theranger.co.uk/news/Surge-in-backyard-poultry-numbers_21660.html (last visited Feb. 24, 2012); Backyard Chickens in Toronto, Ontario, http://torontochickens.com/Toronto_Chickens/Blog/Blog.html (last visited Feb. 22, 2012) (advocacy group seeking to legalize chickens in Toronto); Chris Mayberry & Peter Thomson, *Keeping Chickens in the Backyard*, Department of Agriculture and Food, Government of Western Australia (Aug. 2004), http://www.agric.wa.gov.au/content/aap/pou/man/gn2004_022.pdf (last visited Feb. 22, 2012); Andrea Gaynor, Harvest of the Suburbs: An Environmental History of Growing Food in Australian Cities (2006); Catharine Higginson, *Living in France-Keeping Chickens*, Living France, http://www.livingfrance.com/real-life-living-and-working-living-in-france-keeping-chickens–94936 (last visited Feb. 22, 2012).
13. *See, e.g., Where Chickens Are Outlawed Only Outlaws Will Have Chickens*, BackyardChickens.com, http://www.backyardchickens.com/t/616955/where-chickens-are-outlawed-only-outlaws-will-have-chickens-t-shirt (last visited Feb. 15, 2012) (forum for people who own chickens illegally); Heather Cann et al., *Urban Livestock: Barriers and Opportunities Faces by Homesteaders in the City of Waterloo*, Dec. 6, 2011, http://www.wrfoodsystem.ca/studentresearch (last visited Feb. 22, 2012) (interviewing several people who own chickens illegally in the Waterloo region of Canada).
14. Not her real name.
15. Interview with Jennifer, July 18, 2011 (on file with author).

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

Instead of moving away, others are seeking to change the law to raise chickens in the city where they already live. For instance, Cherise Walker has been advocating for a new ordinance in her community.[18] Ms. Walker is a veteran of the Iraq war who became interested in hens when she read that keeping chickens can help relieve post-traumatic stress disorder.[19] She subscribes to *Backyard Poultry*—a magazine dedicated to backyard chickens[20]; she became certified in hen-keeping by the Ohio State University Extension; and, she began assembling the materials to build a coop in her yard. But, she soon learned that her city outlaws hens as dangerous animals, placing them in the same category as lions, tigers, bears, and sharks.[21] Unwilling to become an outlaw hen-keeper, she, like countless others across the country, is attempting to lobby her mayor and city council-people to educate them about chickens and encourage them to adopt a more chicken-friendly ordinance.[22]

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

Changing these ordinances, however, is often a contentious issue.[23] It has caused one mayor in Minnesota to say, "there is a lot of anger around this issue for some reason. More so than the war by far."[24] City leaders are understandably concerned that chickens may cause nuisances.[25] They have raised such concerns as decreasing property values[26] and increasing greenhouse emissions,[27] as well as concerns about excessive clucking and overwhelming odors bothering the neighbors.[28] Some express the belief that chickens, and other agricultural practices, simply do not belong in cities.[29] The controversy over backyard chicken regulation has been so contentious that at least one law review article uses it as a case study for the Coase theorem to illustrate how we unnecessarily inflate the costs of processes related to legal change.[30]

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

16. Cleveland, Ohio, Codified Ordinances §§205.04, 347.02 (2011).
17. *See infra* Part I.E. (discussing how participating in urban agriculture can increase social connections and civic responsibility).
18. Interview with Jennifer, July 18, 2011 (on file with author).
19. Megan Zotterelli, *Veterans Farming*, The Leaflet: Newsletter of the Central Coast Chapter of California Rare Fruit Growers (July/Aug. 2011), http://centralcoastfoodie.com/2011/08/veterans-farming/ (noting that the Farmer Veterans Coalition that seeks to link veterans with farming has done so not only to provide veterans with economic opportunities, but because "the nurturing environment of a greenhouse or a hatchery has helped these veterans make impressive strides in their recovery and transition").
20. *Backyard Poultry Magazine* has been published since 2006 by Countryside Publications, Inc. It currently has a circulation of approximately 75,000 readers. *See* Advertising Information for Backyard Poultry, http://www.backyardpoultrymag.com/advertise.html (last visited Feb. 22, 2012).
21. Lakewood Mun. Ordinance §505.18.
22. Interview with Cherise Walker, Mar. 18, 2012 (on file with author).
23. Barak Y. Orbach & Frances R. Sjoberg, *Debating Over Backyard Chickens*, Arizona Legal Studies, Discussion Paper No. 11-02 (Feb. 2012) (listing conflicts in dozens of cities where people were seeking to change ordinances to either legalize or ban chickens); *see also* Salkin, *supra* note 9, at 1 (describing criticism of efforts to allow chickens in neighborhoods as including "worry that property values will plummet, that chickens will create foul odors and noise, and that they will attract coyotes, foxes, and other pests").
24. Orbach & Sjoberg, *supra* note 23, at 24.
25. P.J. Huffstutter, *Backyard Chickens on the Rise, Despite the Neighbor's Clucks*, L.A. Times, June 15, 2009, http://articles.latimes.com/2009/jun/15/nation/na-chicken-economy15.
26. Tiara Hodges, *Cary: No Chickens Yet*, IndyWeek.com, Feb. 10, 2012, http://www.indyweek.com/BigBite/archives/2012/02/10/cary-no-chickens yet (last visited Feb. 17, 2012); *Backyard Chickens: Good or Bad Idea*, KVAL.com, Mar. 3, 2009, http://www.kval.com/news/40648802.html (last visited Feb. 17, 2012).
27. Valerie Taylor, *Chickens for Montgomery* (2009), http://www.scribd.com/doc/16509728/Changing-Your-Citys-Chicken-Laws (last visited Feb. 17, 2012) (addressing a concern that Montgomery council people voiced about greenhouse gases).
28. Josie Garthwaite, *Urban Garden? Check. Now, Chickens*, N.Y. Times, Feb. 7, 2012, http://green.blogs.nytimes.com/2012/02/07/urban-garden-check-now-chickens/.
29. Orbach & Sjoberg, *supra* note 23, at 19 (citing one mayor from Franklington, 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.

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I. The Benefits of Backyard Chickens

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

The U.S. government was in agreement with the textbook's advice. During World War I, the United States exhorted every person in America to raise chickens. The U.S. Department of Agriculture (USDA) issued posters with titles like "Uncle Sam Expects You to Keep Hens and Raise Chickens."[35] One such poster encourages chicken ownership by exhorting that "even the smallest backyard has room for a flock large enough to supply the house with eggs."[36] The poster goes on to say that because chickens eat table scraps and require little care, every household should contribute to a bumper crop of poultry and eggs in 1918.[37]

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



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).

A. *Chickens Are a Source of Fresh Nutritious Eggs*

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

31. William Thompson Skilling, Nature-Study Agriculture (World Book Co. 1920).
32. *Id.* at 296.
33. *Id.*
34. *Id.*
35. Scott Doyon, *Chickens: WWI Solution to Almost Everything*, Better Cities & Towns, Nov. 4, 2011, http://bettercities.net/news-opinion/blogs/scott-doyon/15562/backyard-chickens-wwi-era-solution-almost-everything (last visited Feb. 15, 2012).
36. *Id.*
37. *Id.*
38. Hodgson, *supra* note 1, at 11-12. *See, e.g.*, Robert M. Fogelson, Bourgeois Nightmares 168-81 (2005) (noting that backyard poultry-keeping went from being universal and encouraged to being banned as a nuisance when newly developed suburbs aimed toward attracting wealthy residents began instituting policies to ban all household pets in an effort to distinguish themselves from both the urban and rural lower class).
39. Barbara West & Ben-Xiong Zhou, *Did Chickens Go North? New Evidence for Domestication*, 44 World's Poultry Sci. J. 205-18 (1999). Christine Heinrichs, 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.*

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

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

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

Next, eggs from backyard hens are more nutritious.[52] Poultry scientists have long known that a hen's diet will affect the nutrient value of her eggs.[53] Thus, most commercial hens are subjected to a standardized diet that provides essential nutrients; but even with this knowledge, large-scale operations cannot provide chickens with an optimal diet under optimal conditions.[54] Tests have found that eggs from small-flock pasture-raised hens actually have a remarkably different nutritional content than your typical store-bought egg—even those certified organic.[55] This is because backyard chickens can forage for fresh grass and other greens and get access to insects and other more natural chicken food.[56] The nutritional differences may also be attributed to the fact that hens are less stressed because they are kept in a more natural environment with exposure to sun, weather, and adequate companionship.[57] Scientific nutritional analyses have proven that eggs from hens that are kept in small flocks and allowed to forage, when compared with store-bought eggs, have

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

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

B. Chickens Provide Companionship as Pets

Many people who own a small flock of chickens consider their chickens to be pets and a part of their family—just like a dog or a cat.[59] Chickens have personalities, and many people and children bond with them just like any other pet.[60] Several forums exist on the Internet where people can trade stories about hen antics[61] or debate what breed of chicken is best for children.[62] Chicken owners tend to name their hens, and many can easily describe each hen's temperament and personality.[63]

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

C. Chicken Manure Is a Surprisingly Valuable Fertilizer

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

44. Bernal R. Weimer, *A Peculiar Egg Abnormality,* 2-4:10 Poultry Sci. 78-79 (July 1918).
45. Litt, *supra* note 7, at 173.
46. Gail Damerow, Backyard Homestead Guide to Raising Chickens (2011).
47. Litt, *supra* note 7, at 16. William Neuman, *Keeping Their Eggs in Their Backyard Nests*, N.Y. Times, Aug. 3, 2009, http://www.nytimes.com/2009/08/04/business/04chickens.html?pagewanted=all (acknowledging that backyard chicken enthusiasts do not typically save money by not buying eggs).
48. Klaus Horsted et al., *Effect of Grass Clover Forage and Whole-Wheat Feeding on the Sensory Quality of Eggs*, 90:2 J. Sci. Food & Agric. 343-48 (Jan. 2010).
49. Litt, *supra* note 7, at 17.
50. *Id.*
51. Horsted et al., *supra* note 48.
52. Litt, *supra* note 7, at 179 (citing Cheryl Long & Tabitha Alterman, *Meet Real Free-Range Eggs*, Mother Earth News, Oct./Nov. 2007, http://www.motherearthnews.com/Real-Food/2007-10-01/Tests-Reveal-Healthier-Eggs.aspx; Artemis P. Simopoulos & Norman Salem Jr., *Egg Yolk: A Source of Long-Chain Polyunsaturated Fats in Infant Feeding*, 4 Am. J. Clinical Nutrition 411 (1992) (finding a significant increase in nutrition and significant decrease in harmful fats in small-flock free-range eggs).
53. William J. Stadelman & Owen J. Cotterill, Egg Science & Technology 185 (1995).
54. *Id.*
55. Litt, *supra* note 7, at 17.
56. *Id.*; Simopoulos & Salem Jr., *supra* note 52.
57. *Id.*
58. Litt, *supra* note 7, at 179.
59. *Id.* at 4-10.
60. *See, e.g.*, Carolyn Bush, *A Chicken Christmas Tale*, Backyard Poultry Mag., Jan. 2010, http://www.backyardpoultrymag.com/issues/5/5-6/a_chicken_christmas_tale.html (describing her pet chickens and mourning one of their deaths); Chickenvideo.com, http://www.chickenvideo.com/outlawchickens.html (last visited July 2, 2012) (collecting stories from people who keep chickens as pets despite their illegality).
61. *Funny, Funny Chicken Antics*, Backyardchickens.com, http://www.backyardchickens.com/forum/viewtopic.php?id=380593 (last visited July 2, 2012).
62. *What Breeds Are Best for Children to Show in 4-H?*, Backyardchickens.com, http://www.backyardchickens.com/forum/viewtopic.php?pid=5726813 (last visited July 2, 2012).
63. Litt, *supra* note 7, at 4.
64. *See infra* Part IV.C.1.

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$20.[65] Poultry waste has long been used as a fertilizer—it provides necessary nutrients for plants and works well as an addition to compost.[66] Large amounts of uncomposted chicken manure applied directly to a garden will overwhelm or burn the plants, because its nitrogen content is too high.[67] But, the amount of manure that a backyard flock of four to six hens would produce is not enough to harm the plants and can be beneficial to a home garden, even without first being composted.[68]

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

D. Chickens Eat Insects

Chickens, like other birds, eat insects such as ants, spiders, ticks, fleas, slugs, roaches, and beetles.[71] Chickens also occasionally eat worms, small snakes, and small mice.[72] Insects provide protein that the chickens need to lay nutritionally dense eggs.[73] Small flocks of chickens are recommended as a way to eliminate weeds, although a chicken does not discriminate between weeds and plants and, if left in a garden for too long, will eat the garden plants as well.[74] But, because chickens like to eat insects and other garden pests, allowing the chicken occasional and limited access to a garden can eliminate a need to use chemicals or other insecticides and prevent insect infestations.[75]

E. Chickens Help Build Community

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

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

II. Cities' Concerns With Backyard Hens

> Never mind what you think.
> The old man did not rush
> Recklessly into the coop at the last minute.
> The chickens hardly stirred
> For the easy way he sang to them.
>
> Bruce Weigl, *Killing Chickens*, 1999.

65. Black Gold Compost Chicken Fertilizer sold for $13.43 for 20 pounds on Amazon. Amazon.com, http://www.amazon.com/Black-Compost-Chick-Manure-60217/dp/B00292YAQC (last visited July 2, 2012). Chickety-doo-doo sold for $47.75 for 40 pounds on EBay. Ebay, http://www.ebay.com/itm/ws/eBayISAPI.dll?ViewItem&item=260889160166&hlp=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&usg=AFQjCNHh0_bkG_5sVmlovgngOXD53AJagA&sig2=_cgyLnv7jDV7hGIVZty89g (last visited July 2, 2012).
75. Tara Layman Williams, The Complete Guide to Raising Chickens: Everything You Need to Know 95 (2011).
76. Hodgson, *supra* note 1, at 3 (citing Lorraine Johnson, City Farmer: Adventures in Urban Food Growing (2010), and Patricia Hynes, A Patch of Eden: America's Inner City Gardeners (1996)).
77. Hodgson, *supra* note 1, at 94.
78. *Id. See also Iowa Concentrated Animal Feeding Operations Air Quality Study, Final Report*, Iowa State University and the University of Iowa Study Group 148, Feb. 2002, http://www.ehsrc.uiowa.edu/cafo_air_quality_study.html (finding that in rural areas communities where farms were smaller, were owner-operated, and used the labor of the operating family, the community "had a richer civic and social fabric: residents of all social classes were more involved in community affairs, more community organizations served people of both middle and working class background, and there were more local businesses and more retail activity").
79. Litt, *supra* note 7, at 12-13. *See, e.g.*, Jeff S. Sharp & Molly B. Smith, *Social Capital and Farming at the Rural-Urban Interface: The Importance of Non-farmer and Farmer Relations*, 76 Agric. Sys. 913-27 (2003) (finding that communities benefit and agricultural uses have more support when farmers develop social relationships with non-farmers).
80. *E.g.*, Abby Quillen, *How to Share a Chicken or Two*, Shareable: Cities (Nov. 22, 2009), http://shareable.net/blog/how-to-share-a-chicken (last visited Feb. 12, 2012).

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A. Noise

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

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

B. Odor

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

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

C. Diseases

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

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

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

81. *Management of Noise on Poultry Farms*, Poultry Fact Sheet, British Columbia, Ministry of Agriculture and Food (Aug. 1999), http://www.agf.gov.bc.ca/poultry/publications/documents/noise.pdf.
82. *Id.*
83. *Protecting Against Noise*, National Ag Safety Database, The Ohio State University Extension, http://nasdonline.org/document/1744/d001721/protecting-against-noise.html (last visited Feb. 22, 2012) (explaining that a chicken coop and human conversation are both about 65 decibels).
84. Crista L. Coppola et al., *Noise in the Animal Shelter Environment: Building Design and the Effects of Daily Noise Exposure*, 9(l) J. applied Animal Welfare Sci. 1-7 (2006).
85. Williams, *supra* note 75, at 92. Robert Plamondon, *Range Poultry Housing*, ATTRA 11 (June 2003).
86. *E.g.*, William Neuman, *Clean Living in the Henhouse*, N.Y. Times, Oct. 6, 2010, http://www.nytimes.com/2010/10/07/business/07eggfarm.html?scp=2&sq=large%20chicken%20farms%20and%20odor&st=cse.
87. Doug Gurian Sherman, *CAFOS Uncovered, The Untold Costs of Animal Feeding Operations*, Union of Concerned Scientists, Apr. 2008, http://www.ucsusa.org/assets/documents/food_and_agriculture/cafos-uncovered.pdf; *Iowa Concentrated Animal Feeding Operations and Air Quality Study*, Final Report, Iowa State University and the University of Iowa Study Group (Feb. 2002) (finding extensive literature documenting acute and chronic respiratory diseases and dysfunction among poultry workers exposed to complex mixtures of particulates, gases, and vapors within CAFO units).
88. *Id.*
89. *Id.*
90. Gail Damerow, The Backyard Homestead Guide to Raising Farm Animals 35 (2011) ("A chicken coop that smells like manure or has the pungent odor of ammonia is mismanaged. These problems are easily avoided by keeping litter dry, adding fresh litter as needed to absorb droppings, and periodically removing the old litter and replacing it with a fresh batch.").
91. Sue L. Pollock et al., *Raising Chickens in City Backyards: The Public Health Role*, J. Community Health, DOI: 10.1007/s10900-011-9504-1 (2011) (finding that public health concerns about infectious diseases and other nuisances that might be caused by keeping hens in an urban setting cannot be supported by literature specific to the urban agriculture context and recommending that public health practitioners approach this issue in a manner analogous to concerns over keeping domestic pets).
92. *E.g.*, Orbach & Sjoberg, *supra* note 23, at 29.
93. *Avian Influenza*, USDA, http://www.ars.usda.gov/News/docs.htm?docid=11244 (last visited July 2, 2012).
94. *Avian Influenza, Questions & Answers*, Food and Agric. Org. of the United Nations, http://www.fao.org/avianflu/en/qanda.html (last visited July 26, 2012).
95. *Id.*
96. Michael Greger, *Bird Flu, A Virus of Our Own Hatching*, BirdFluBook.Com (2006-2008), http://birdflubook.com/a.php?id=50 (last visited Feb. 21, 2012) (finding that the Food and Agriculture Organization of the United Nations, the World Health Organization, and the World Organization for Animal Health attribute risk factors for the emergence of new diseases from animals to the increasing demand for animal protein).
97. *Id.*
98. *Id.* (citing *Global Risks of Infectious Animal Diseases*, Council for Agric. Sci. and Tech., Issue Paper No. 28, 2005).

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

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

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

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

D. Property Values

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

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

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

E. Slaughter

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

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

99. *Id.*
100. *Id.*
101. Ben Block, *U.S. City Dwellers Flock to Raising Chickens*, WorldWatch Institute, http://www.worldwatch.org/node/5900 (last visited Feb. 22, 2012); *Fowl Play, the Poultry Industry's Central Role in the Bird Flu Crisis*, GRAIN, http://www.grain.org/article/entries/22-fowl-play-the-poultry-industry-s-central-role-in-the-bird-flu-crisis (last visited Feb. 22, 2012); *Putting Meat on the Table: Industrial Farm Animal Production in America*, A Report of the Pew Commission on Industrial Farm Animal Production (2006), http://www.ncifap.org/ (last visited Feb. 21, 2012).
102. Rachel Dennis, *CAFOs and Public Health: Risks Associated With Welfare Friendly Farming*, Purdue Univ. Extension, Aug. 2007, https://mdc.itap.purdue.edu/item.asp?itemID=18335#.T_Hjd3CZOOU.
103. *Backyard Biosecurity, 6 Ways to Prevent Poultry Disease*, USDA, May 2004, http://www.aphis.usda.gov/animal_health/birdbiosecurity/biosecurity/basicspoultry.htm (last visited Feb. 21, 2012).
104. *Keeping Live Poultry*, CDC, http://www.cdc.gov/features/SalmonellaPoultry/ (last visited Feb. 21, 2012).
105. *See* Shaohua Zhao, *Characterization of Salmonella Enterica Serotype Newport Isolated From Humans and Food Animals*, 41 J. Clinical Microbiology, No. 12, 5367 (2003) (stating that dogs and pigeons, as well as chickens, can carry salmonella); J. Hidalgo-Villa, *Salmonella in Free Living Terrestrial and Aquatic Turtles*, 119:2-4 Veterinary Microbiology 311-15 (Jan. 2007).
106. *Keeping Live Poultry*, CDC, http://www.cdc.gov/features/SalmonellaPoultry/ (last visited Feb. 21, 2012).
107. Sue L. Pollock et al., *Raising Chickens in City Backyards: The Public Health Role*, J. Community Health, DOI: 10.1007/s10900-011-9504-1 (2011).
108. Salkin, *supra* note 9, at 1.
109. Hodgson, *supra* note 1, at 21.
110. *Id.*
111. *Id.*
112. *Id.*
113. *Id.*
114. G. Stacy Sirmans & C.F. Sirmans, *Rental Concessions and Property Values*, 5:1 J. Real Estate Res. 141-51(1990); C.A. Smith, *Apartment Rents—Is There a "Complex" Effect*, 66:3 Appraisal J. (1998) (finding that average apartment unit commands $50 more rent per unit by allowing pets).
115. Michael Broadway, *Growing Urban Agriculture in North American Cities: The Example of Milwaukee*, 52:3-4 Focus on Geography 23-30 (Dec. 2009).
116. Neighbors Opposed to Backyard Slaughter, http://noslaughter.org (last visited Feb. 22, 2012).
117. *Id.*
118. *Id.*
119. Litt, *supra* note 7, at 3 (stating that "the vast majority of backyard chicken keepers regard their chickens as pets and find it unsettling—if not outright upsetting—to consider eating them").
120. Jay Rossier, Living With Chickens: Everything You Need to Know to Raise Your Own Backyard Flock 4 (2002).

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

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

F. Greenhouse Gases

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

While chickens do produce methane as a natural byproduct of digestion just like any other animal (including humans), the amount they produce is negligible in comparison to other livestock. Methane production is a concern largely confined to ruminant animals, such as cows, goats, and buffaloes.[126] These animals produce a large amount of methane every year because of the way in which they digest carbohydrates.[127] Cows produce an average of 55 kilograms (kg) per year per cow.[128] A goat will produce 5 kg per year, a pig 1.5, and a human 0.05.[129] Chickens, because they are nonruminant animals, and because they are much smaller than humans, produce less than 0.05 kg per year per chicken.[130]

Finally, there is no reason to believe that an urban chicken would cause a net increase in the production of methane. A person who gets her eggs from her pet hen will likely be buying fewer eggs from the supermarket. Thus, there is unlikely to be a net increase in egg consumption, so there is unlikely to be a net increase in chickens. Thus, any increase in methane production caused by urban chickens is not only negligible, but also likely offset by a decrease in rural chickens.[131]

G. Winter Weather

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

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

H. Running Wild

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

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

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

> His comb was finest coral red and tall,
> And battlemented like a castle wall.
> His bill was black and like the jet it glowed,
> His legs and toes like azure when he strode.
> His nails were whiter than the lilies bloom,
> Like burnished gold the color of his plume.
>
> Geoffrey Chaucer, The Canterbury Tales,
> The Nun's Priest's Tale[135]

121. Jose Linares, *Urban Chickens*, Am. Veterinary Med. Ass'n Welfare Focus, Apr. 2011, http://www.avma.org/issues/animal_welfare/AWFocus/110404/urban_chickens.asp.
122. *Id.*
123. Elizabeth Keyser, *The Butcher's Back*, Conn. Mag., Apr. 2011, http://www.connecticutmag.com/Connecticut-Magazine/April-2011/The-Butcher-039s-Back/.
124. *But see* Simon v. Cleveland Heights, 188 N.E. 308, 310 (Ohio Ct. App. 1933) (holding that a ban on poultry slaughtering applied to a small business butcher violated the Ohio Constitution because it prohibited the conduct of a lawful business).
125. Valerie Taylor, Chickens for Montgomery (June 2009) http://www.scribd.com/doc/16509728/Changing-Your-Citys-Chicken-Laws (last visited July 2, 2012) (responding to city's concerns about increase in greenhouse gases).
126. *See Methane, Sources, and Emissions*, U.S. EPA, http://www.epa.gov/methane/sources.html (last visited July 2, 2012).
127. *Id.*
128. Paul J. Crutzen et al., *Methane Production by Domestic Animals, Wild Ruminants, Other Herbivorous Fauna and Humans*, 38B Tellus B. 271-74 (July-Sept. 1986).
129. *Id.*
130. *Id.*
131. Letter from Brian Woodruff, Environmental Planner Department of Natural Resources, to Cameron Gloss (June 12, 2008), http://www.scribd.com/doc/16509728/Changing-Your-Citys-Chicken-Laws.
132. Litt, *supra* note 7, at 119.
133. *Id.*
134. *See infra* Part IV.C.5.a.
135. Ronald Ecker trans., Hodge & Braddock Publishers 1993.

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A. Hens Are Social Animals

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

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

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

B. The Pecking Order

We often use the term pecking order to describe a hierarchy in a community. The term comes from the tendency for chickens to peck at one another and display aggressive behavior until a hierarchy is established.[147] Once the hierarchy is established, the aggressive behavior will lessen or even abate until new birds are added to the flock or until a hen mounts a challenge to someone above her in the pecking order.[148]

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

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

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

C. Chickens and Predators

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

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

136. Michael C. Appleby et al., Poultry Behavior and Welfare 35, 77-82 (2004); Heinrichs, *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_Poulty_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.

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

D. Roosters Like to Crow

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

Because roosters are noisy and frequently so, cities that have more dense urban environments should consider banning them—at least on smaller lot sizes. Some cities have allowed an exception for "decrowed" roosters[162]: some veterinarians used to offer a "decrowing" procedure that would remove the rooster's voicebox. Because of its high mortality rate—over 50%—veterinarians no longer offer this procedure.[163] Because this procedure is dangerous and cruel to the rooster, cities that have such an exception should consider amending it so as not to encourage mistreatment of roosters.

E. Hens Don't Need Roosters to Lay Eggs

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

The only reason that hens require roosters is to fertilize the eggs, so that the eggs will hatch chicks.[166] Because this can be an easier way to propagate a flock, rather than sending away for mail-order chicks, some chicken owners would like to keep a rooster around or at least allow it to visit. To address this concern, at least one city that bans roosters allows "conjugal visits." Hopewell Township, New Jersey, allows roosters that are certified disease-free to visit a hen flock for 10 days out of every year.[167] Although news about the township's policy garnered national attention for its quirkiness, it may work as a solution for hen owners seeking to add to their flock without having to buy new chicks.[168]

IV. The Current State of Municipal Ordinances Governing Backyard Chickens

> Such a fine pullet ought to go
> All coiffured to a winter show,
> And be exhibited, and win.
> The answer is this one has been—
>
> And come with all her honors home.
> Her golden leg, her coral comb,
> Her fluff of plumage, white as chalk,
> Her style, were all the fancy's talk
>
> Robert Frost, *A Blue Ribbon at Amesbury* (1916).

A. Introduction

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

157. Gehrt, *supra* note 154, at 1053.
158. Williams, *supra* note 75, at 88-89.
159. Heinrichs, *supra* note 39, at 16.
160. *Id.*
161. Appleby et al., *supra* note 136, at 36-37.
162. *See, e.g.*, Phoenix, Ariz., City Code §8-7(c) (2011).
163. *Small and Backyard Flocks*, Ky. U. Ext., http://www.ca.uky.edu/smallflocks/faq.html#Q31 (last visited Feb. 17, 2012).
164. *Small and Backyard Flocks*, Ky. U. Ext., http://www.ca.uky.edu/smallflocks/faq.html#Q11 (last visited Feb. 17, 2012).
165. *Id.*
166. *Id.*
167. *NJ Town Limits Conjugal Visits Between Roosters & Hens*, Huffington Post, Apr. 27, 2011, http://www.huffingtonpost.com/2011/04/28/nj-limits-chicken-mating_n_854404.html.
168. Because chick hatcheries have been a source of salmonella, some backyard hen keepers may prefer to propagate their own flock. *See, e.g.*, Serena Gordon, *They're Cute, But Baby Chicks Can Harbor Salmonella*, U.S. News & World Report, May 30, 2012, http://health.usnews.com/health-news/news/articles/2012/05/30/theyre-cute-but-baby-chicks-can-harbor-salmonella.
169. *Cities With 100,000 or More Population in 2000 Ranked by Population, 2000 in Rank Order*, U.S. Census, http://www.census.gov/statab/ccdb/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

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on keeping chickens through zoning, setbacks, and permitting requirements, only three of the top 100 cities have ordinances that clearly ban the keeping of chickens within city limits: Detroit, Aurora, and Yonkers.[171] Three others have unclear ordinances that city officials have interpreted as banning backyard chickens: Grand Rapids, Fort Wayne, and Lubbock.[172] An additional 10 cities, while allowing for chickens, restrict them to either very large lots or only to agriculturally zoned land.[173] Because such restrictions will exclude most people within the city from being able to keep hens, if such restrictions are interpreted to be a ban on chickens, then 84% of cities can be considered to allow for chickens.

Within that 84%, there is a wide range of how cities regulate chickens—ranging from no regulation[174] to a great deal of very specific ordinances governing where chickens can be located,[175] how coops must be built,[176] and how often chickens must be fed and coops must be cleaned.[177] Some of these cities also have restrictive setbacks or other regulations that will prohibit some residents from owning chickens—especially residents in multi-family dwellings or who live on small lots in a dense area of the city.[178] As described more fully below, there is no uniformity in the ways that cities regulate chickens; each city's ordinance is unique. Regulations are placed in different areas of a city's codified ordinances. Some regulations are spread throughout the code, making it difficult for a chicken owner to determine how to comply with the city's ordinances. Some cities regulate through zoning, others through animal regulations, and others through the health code.[179] Some cities simply define chickens as pets and provide no regulations at all.[180] Each of these methods of regulation will be explored in more detail below.

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

Ordinances §22.14 (2011); Glendale, Ariz., Code of Ordinances pt. II, art. 5 (2010); Glendale, Cal., Mun. Code §6.04.130 (2011); Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011); Hialeah, Fla., Code of Ordinances §§10.1, 10.2 (2011); Honolulu, Haw., Rev. Ordinances §7-2.5(d) (1990); Houston, Tex., Code of Ordinances ch. 6, art. II (2010); Indianapolis, Ind., Rev. Code tit. III, ch. 531 (2011); Irving, Tex., Code of Ordinances 6-1 (2011) (not regulating chickens at all); Jacksonville, Fla., Ordinance Code tit. XIII, ch. 462, tit. XVII, ch. 656 (2011); Jersey City, N.J., Code of Ordinances §90-6 (2011); Kansas City, Mont., Code of Ordinances §14-15 (2011); Las Vegas, Nev., Mun. Code §7.38.050 (2011); Lexington-Fayette, Ky., Code of Ordinances §4-10 (2011); Lincoln, Neb., Mun. Code §6.04.040 (2011); Long Beach, Cal., Mun. Code §6.20.020 (2011); L.A., Cal., Mun. Code §§12.01, 12.05-12.09 (2011); Louisville, Ky., Metro Code ch. 91 (2011); Madison, Wis., Code of Ordinances ch. 28 (no date listed); *id.* §7.29; *id.* §9.52; Memphis, Tenn., Code of Ordinances §8-8-1 (2009); Mesa, Ariz., City Code §8-6-21 (2011); Miami, Fla., Code of Ordinances §6-1(b) (2011); Milwaukee, Wis., Code of Ordinances §78-6.5 (2011); Minneapolis, Minn., Code of Ordinances §70.10 (2011); Mobile, Ala., Code of Ordinances §7-102 (2011); Montgomery, Ala., Code of Ordinances ch. 4, art. I (2011); *id.* app. C, art. VII; Nashville-Davidson, Tenn., Mun. Code §§8-12-020, 17-16-330 (2011); New Orleans, La., Code of Ordinances pt. II, ch. 18, art. VI (2011); N.Y.C., Mun. Code §65-23 (1990); Newark, N.J., General Ordinances §6:2-30 (2010); Norfolk, Va., Code of Ordinances §§4-05, 6.1-7 (2011); Oakland, Cal., Code of Ordinances §6-04-320 (2011); Oklahoma City, Okla., Mun. Code tit. 8, 59 (2011); Omaha, Neb., Code of Ordinances §6-266 (2011); Phila., Pa., Code §10-112 (2011); Phoenix, Ariz., City Code §§8-7, 8-10 (2011); Pittsburgh, Pa., Code of Ordinances §§635.02, 911.04.A.2 (2011); Plano, Tex., Code of Ordinances §4-184 (2011); Portland, Or., City Code §13.05.015 (2011); Raleigh, N.C., Code of Ordinances §§12-3001, 12-3004 (2011); Richmond, Va., Code of Ordinances §10-88 (2011); Riverside, Cal., Code of Ordinances §6.04.20 (2011); *id.* tit. 17; Rochester, N.Y., City Ordinances §§30-12, 30-19 (no date listed); Sacremento, 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 runwasy 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.

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veyed[181] and the survey sizes were far smaller.[182] By choosing the largest cities in the United States by population, this survey is meant to give a snapshot of what kind of laws govern the most densely populated urban areas. An understanding of how large cosmopolitan areas approach backyard chickens can help smaller cities determine the best way to fashion an ordinance.[183]

Several aspects of these ordinances will be examined. First, the area within the codified ordinances that the city chooses to regulate chickens will be discussed.[184] Next, regulations based on space requirements, zoning requirements, and setbacks will be examined.[185] After that, the different sorts of sanitation requirements that cities impose will be examined, including looking at how specific or general those requirements are.[186] Then, the coop construction requirements, including how much space a city requires per chicken, will be examined.[187] Next, cities' use of permits to regulate chickens will be evaluated.[188] The Article will then discuss anti-slaughter laws.[189] Finally, the prevalence of banning roosters will be discussed, while noting that quite a few cities do expressly allow roosters.[190] Examining each aspect of the ordinance piecemeal is designed to provide a thorough overview of ordinances regulating backyard chickens and classification of common concerns. Through this review, regulatory norms will be identified and especially effective, novel, or eccentric regulations will be noted.

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

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

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

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

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

181. *See* Orbach & Sjoberg, *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&rct=j&q=&esrc=s&source=web&cd=1&ved=0CE0QFjAA&url=http%3A%2F%2F66.147.242.185%2F~urbanch5%2Fwp-content%2Fuploads%2F2012%2F02%2FOrdinance-research-paper.pdf&ei=f_T5T8jOLcrjqgGP5NGKCQ&usg=AFQjCNE-ArE_uYe4XcKDfhMrwSa4mOLfQw&sig2=UcWfdU1smpoifnqTiE_wvA; 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-

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

2. Some Regional Observations

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

Within the Rustbelt states, Ohio stands out for legalizing chickens. All five of its major cities currently allow for chickens: Akron, Cincinnati, Cleveland, Columbus, and Toledo.[200] Columbus and Akron have far more restrictive ordinances, however. Columbus requires a permit to keep chickens and allows its Health Commissioner discretion over granting and revoking that permit.[201] Akron requires chickens to be kept at least 100 feet from any dwelling, which will restrict owners of small parcels in densely populated areas from raising chickens.[202]

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

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

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

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

Richmond, Ga., Code of Ordinances tit. 4, art. 2 (2007); Glendale, Cal., Mun. Code §6.04 (2011); Tacoma, Wash., Mun. Code §5.30.010 (2011); Irving, Tex., Code of Ordinances pt. II, ch. 6 (2011).

195. Detroit, Mich., City Code §6-1-3 (2010) (prohibits owning farm animals and defines chickens as farm animals); Grand Rapids, Mich., Code of Ordinances §8.582 (2010) (prohibiting farm animals within 100 ft. of any dwelling unit, well, spring, stream, drainage ditch, or drain. City officials have interpreted this to ban chickens.); *but see* Ann Arbor, Mich., Code of Ordinances tit. IX, ch. 107, §9:42 (allowing up to four chickens in single-family or two-family dwellings if a permit is secured and regulations are followed).

196. Phila. §10-112; Pittsburgh, Pa., Code of Ordinances §§635.02, 911.04.A.2 (2011).

197. Susan Wachter, *The Determinants of Neighborhood Transformations in Philadelphia Identification and Analysis: The New Kensington Pilot Study*, Spring 2005, The Wharton School, http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCMQFjAA&url=http%3A%2F%2Fkabaffiliates.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 nay 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).

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1. Animal Control Regulations

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

2. Zoning Regulations

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

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

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

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); Sacremento, 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).

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).

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

Regulations placed within the animal code, as described above, are generally in one place and often within a single ordinance. This leads to a better understanding of the law for chicken owners and, thus, easier enforcement for city officials. Unless the zoning regulations have a subsection devoted specifically to animals, like the ones in Spokane[216] or Greensboro,[217] the most sensible place for regulating chickens is within the animal code.

3. Health Code

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

4. Other

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

The only other pattern within these ordinances is that two other cities—Buffalo and Tampa—regulate chickens under the property maintenance area of the code.[221] This is not an ideal place to locate such an ordinance, because potential chicken owners are unlikely to look for chicken regulations there.

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

C. How Cities Regulate Chickens

1. Chickens Are Defined as Pets or Domestic Animals

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

2. Space Requirements

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

215. *See* Lea S. VanderVelde, *Local Knowledge, Legal Knowledge, and Zoning Law*, Iowa L. Rev., May 1990, at 1057 (describing zoning law as "arcane"). Also, the sheer number of law treatises for zoning laws demonstrates that zoning laws require expertise to navigate. *E.g.*, Patricia Salkin, American Law of Zoning (5th ed. 2012); Julian Conrad Juergensmeyer & Thomas E. Roberts, Land Use Planning and Development Regulation Law (2d ed. 2003); Edward H. Ziegler Jr., Rathkopf's the Law of Zoning and Planning (4th ed. 2012).

216. Spokane, Wash., Mun. Code tit. 17C Land Use Standards, ch. 17C.310 Animal Keeping (no date listed).

217. Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011).

218. Albuquerque, N.M., Code of Ordinances §9-2-4-3 (2011); Cleveland, Ohio, Codified Ordinances §§205.04, 347.02 (2011); Columbus, Ohio, City Code tit. III, ch. 221 (2011); Mesa, Ariz., City Code §8-6-21 (2011); San Diego, Cal., Mun. Code §42.0709 (2011); San Francisco, Cal., Health Code §37 (2011); Tacoma, Wash., Mun. Code §5.30.010 (2011).

219. *E.g.*, San Diego §42.0709; Cleveland §§204.04, 347.02; Tacoma §5.3.010.

220. Bos., Mass., Code of Ordinances §16-1.8A (2010); Columbus tit. III, ch, 221.

221. Buffalo, N.Y., City Code §341-11 (2009); Tampa, Fla., Code of Ordinances §19.76 (2008).

222. Arlington, Tex., Ordinances Governing Animals §5.02 (2010).

223. Dallas, Tex., Code of Ordinances §7-1.1 (2011); Indianapolis, Ind., Rev. Code tit. III, ch. 531.101 (2011); Jacksonville, Fla., Ordinance Code §656.1601 (2011); New Orleans, La., Code of Ordinances §18-2.1 (2011); Raleigh, N.C., Code of Ordinances §12-3001 (2011); Plano, Tex., Code of Ordinances §4-184 (2011); Spokane, Wash., Mun. Code §17C.310.100 (no date listed).

224. *Supra* note 223.

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

226. Cities that impose lot size requirements: Anaheim, Cleveland, Fort Wayne, Fremont, Garland, Greensboro, Nashville, Norfolk, Oklahoma, Philadelphia, Phoenix, Pittsburgh, Richmond, Rochester, Stockton, and Tampa. Anaheim, Cal., Mun. Code §18.38.030 (2011); Cleveland, Ohio,

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

a. Lot Size Requirements

Of the 15 cities that restrict based on lot size only, six of them restrict chickens to property that is one acre or more: Nashville, Norfolk, Oklahoma City, Philadelphia, Pittsburgh, and Richmond.[231] Nashville, Norfolk, and Pittsburgh appear to limit chickens to property of more than five acres, which in any urban area is a practical ban. Norfolk appears to allow for an exception to the five-acre minimum[232] by allowing a would-be chicken owner to procure a permit to keep hens,[233] but in practice, the city will not issue this permit to chicken hobbyists.[234] But, as discussed below, Nashville and Pittsburgh have interpreted their restrictive ordinances to allow for chickens on much smaller parcels of property.

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

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

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

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

Codified Ordinances §347.02 (2011); Fort Wayne, Ind., Code of Ordinances §157.104 (2011); Fremont, Cal., Mun. Code §3-5803 (2011); Garland, Tex., Code of Ordinances §22.14 (2011); Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011); Nashville-Davidson, Tenn., Mun. Code §17-16-330 (2011); Norfolk, Va., Code of Ordinances §§4-05, 6.1-7 (2011); Oklahoma City, Okla., Mun. Code §59-9350(c) (2011); Phila., Pa., Code §10-112 (2011); Phoenix, Ariz., City Code §8-10 (2011); Pittsburgh, Pa., Code of Ordinances §§635.02, 911.04.A.2 (2011); Richmond, Va., Code of Ordinances §10-88 (2011); Rochester, N.Y., City Ordinances §§30-12, 30-19 (no date listed); Stockton, Cal., Mun. Code §16.80.060 (2011); Tampa, Fla., Code of Ordinances §19.76 (2008). Cities that impose zoning restrictions: Bakersfield, Birmingham, Chesapeake, Dallas, Fresno, Glendale, Arizona, Greensboro, Hialeah, Jacksonville, Los Angeles, Madison, Memphis, Montgomery, San Diego, Shreveport, Stockton, and Virginia Beach. Bakersfield, Cal., Mun. Code tit. 17 (2011); Birmingham, Ala., Zoning Ordinance §2.4.1 (2007); Chesapeake, Va., Code of Ordinances Zoning art. 3 (2011); Dallas, Tex., Code of Ordinances §7-1.1 (2011); Fresno, Cal., Mun. Code ch. 12 (2011); Glendale, Ariz., Code of Ordinances §§5.132 & 5.212 (2011); Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011); Hialeah, Fla., Code of Ordinances ch. 98 (2011); Jacksonville, Fla., Ordinance Code ch. 656 (2011); L.A., Cal., Mun. Code §§12.01, 12.05-12.09 (2011); Madison, Wis., Code of Ordinances ch. 28 (no date listed); Memphis, Tenn., Code of Ordinances tit. 16 (2009); Montgomery, Ala., Code of Ordinances, app. C, art. VII (2011); San Diego, Cal., Mun. Code §42.0709 (2011); Shreveport, La., Code of Ordinances ch. 106 (2011); Stockton, Cal., Mun. Code §§6.04.420, 16.80.060 (2011); Virginia Beach, Va., City Code §5-545, app. A (2011).

227. Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011); Stockton, Cal., Mun. Code §§6.04.420 & 16.80.060 (2011).
228. *E.g.*, Nashville-Davidson, Tenn., Mun. Code §§8-12-020, 17-16-330 (2011); Phila., Pa., Code §10-112 (2011).
229. *See* Rochester, N.Y., City Ordinances §§30-12, 30-19 (no date listed).
230. Birmingham, Ala., Zoning Ordinance §2.4.1 (2007); Chesapeake, Va., Code of Ordinances ch. 10 (2011); Hialeah, Fla., Code of Ordinances §§10.1, 10.2 (2011); Jacksonville, Fla., Ordinance Code §656.331(2011); Montgomery, Ala., Code of Ordinances ch. 4, art. I (2011); *id.* app. C, art. VII; Norfolk, Va., Code of Ordinances, app. A, art. II §4-0.5 (2011); Oklahoma City, Okla., Mun. Code §59-9350 (2011); Phila., Pa., Code §10-112 (2011); Richmond, Va., Code of Ordinances §10-88 (2011); Virginia Beach, Va., City Code §5-545, app. A (2011).
231. Nashville-Davidson, Tenn., Mun. Code §17-16-330(b) (2011); Pittsburgh, Pa., Code of Ordinances §§635.02, 911.04.A.2 (2011); Phila., Pa., Code §10-112 (2011); Oklahoma City, Okla., Mun. Code §59-9350 (2011); Richmond, Va., Code of Ordinances §10-88 (2011).
232. Norfolk, Va., Code of Ordinances, Zoning Ordinance, app. A, §4-05 (2011) ("Except as otherwise noted, there shall be no raising or keeping of . . . poultry, fowl, . . . on less than five acres.").
233. Norfolk, Va., Code of Ordinances §6.1-7 (2011) (allowing for a person wishing to raise poultry to procure a permit issued by the department of public health).
234. Amelia Baker, *Backyard Chickens: Now You're Clucking*, AltDaily, June 2, 2010, http://www.altdaily.com/features/food/backyard-chickens-now-youre-clucking.html (providing that the city will only issue permits for sentinel chickens that the city has on surveillance to check for mosquito-borne diseases).
235. Nashville-Davidson §17.16.330(b).
236. *Id.* §8.12.020.
237. Memo from John Cooper, Director Metropolitan Council Office, to All Members of Metropolitan Council (Sept. 1, 2009) (on file with author).
238. *Id.*
239. Pittsburgh §911.04.
240. Diana Nelson Jones, *Ordinance Changes Bother Keepers of Bees and Chickens*, Pittsburgh Post Gazette, Feb. 8, 2010, http://www.post-gazette.com/pg/10039/1034293-53.stm.
241. Diana Nelson Jones, *Pittsburgh Urban Coop Tour to Be Held Sunday*, Pittsburgh Post Gazette, June 9, 2011, http://www.post-gazette.com/pg/11160/1152234-34.stm.
242. Phila. §10-100.
243. *Id.* §10-112.

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

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

b. Zoning Requirements

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

The remaining eleven cities, however, while still restricting chickens to certain zones, allow chickens in many or most residential zones.[251] Dallas only applies zoning requirements if chickens are being raised for commercial purposes.[252] Memphis merely applies different building restrictions for coops depending on the zone.[253] And two cities employ zoning laws to augment the area where chickens are allowed: Cleveland and Stockton specifically allow raising chickens in industrially zoned areas.[254]

c. Multi-Family Units

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

d. Using Lot Size to Determine the Number of Chickens

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

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

244. Oklahoma City §59-8150 (definitions); *id.* §59-9350 (confining to one acre).
245. Richmond, Va., Code of Ordinances §10-88(b) (2011).
246. Garland, Tex., Code of Ordinances §22.14 (2011); Stockton, Cal., Mun. Code §16.80.060 (2011).
247. Fremont, Cal., Mun. Code §3-5803 (2011) (6,000 sq. ft.); Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011) (7,000 sq. ft.); Phoenix, Ariz., City Code §8-7(b) (2011) (10,000 sq. ft.).
248. Anaheim, Cal., Mun. Code §18.38.030 (2011) (1,800 sq. ft); Cleveland, Ohio, Codified Ordinances §347.02 (2011) (800 sq. ft. for residential, and 400 for commercial); Rochester, N.Y., City Ordinances §30-12, 30-19 (no date listed) (240 sq. ft.); Tampa, Fla., Code of Ordinances §19.76 (2008) (1,000 sq. ft.).
249. Birmingham, Ala., Zoning Ordinance §2.4.1 (2007); Hialeah, Fla., Code of Ordinances §§10.1 & 10.2 (2011); Virginia Beach, Va., City Code §5-545 app. A (2011).
250. Chesapeake, Va., Code of Ordinances ch. 10 (2011); *id.* Zoning art. 3; Jacksonville, Fla., Ordinance Code tit. XIII, ch. 462, tit. XVII, ch. 656 (2011); Montgomery, Ala., Code of Ordinances app. C, art. VII (2011).
251. Bakersfield, Cal., Mun. Code §§17.12.010-RS & 17.32.020 (2011) (permitting chickens in agriculture and residential suburban areas); Dallas, Tex., Code of Ordinances §7-1.1 (2011) (requiring chickens that are raised for commercial purposes to be on agriculturally zoned land, otherwise chickens are regulated as pets); Fresno, Cal., Mun. Code §§12-204.11-12-207.5 (2011) (providing different setbacks depending on zone); Glendale, Ariz., Code of Ordinances §§5.132 & 5.212 (2011) (restricting poultry to rural residential and suburban residential zones); Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011) (allowing chickens as an accessory on single-family detached dwellings on R-3, E-5, R-7, RM-9, RM-12, and RM-18 districts); L.A., Cal., Mun. Code §§12.01, 12.05-12.09 (2011) (allowing chickens in agricultural and residential districts including districts zoned A1, A2, RA, RE, RS R1, and RMP); Madison, Wis., Code of Ordinances ch. 28 (no date listed); *id.* §7.29; *id.* §9.52 (allowing chickens in both residential and commercial districts); Memphis, Tenn., Code of Ordinances tit. 16, app. A (2009) (applying complex zoning requirements for outbuildings to chicken coops); San Diego, Cal., Mun. Code §42.0709 (2011) (using zoning to define different kinds of setbacks, but allowing chickens in most zones); Shreveport, La., Code of Ordinances ch. 106 (2011) (allowing poultry raising in residential and agricultural districts by right, and in most other zones through a special exception from the zoning board) Stockton, Cal., Mun. Code §§6.04.420, 16.80.060 (2011) (allowing chickens in residential and industrially zoned areas).
252. Dallas, Tex., Code of Ordinances §7-1.1 (2011).
253. Memphis, Tenn., Code of Ordinances tit. 16 (2009).
254. Cleveland, Ohio, Codified Ordinances §347.02 (2011); Stockton, Cal., Mun. Code §16.80.060 (2011).
255. Minneapolis, Minn., Code of Ordinances §70.10(c) (2011).
256. Newark, N.J., General Ordinances §6:2-33 (2010).
257. Seattle, Wash., Mun. Code §23.42.052(C) (2011).
258. Fremont, Cal., Mun. Code §3-5803 (2011).
259. Riverside, Cal., Code of Ordinances §17.24 (2011).
260. El Paso, Tex., Mun. Code §7.24.020(B) (2011).

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

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

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

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

More problematic are cities that do not allow owners to own a minimum number of four chickens. Several cities allow one chicken per a certain square footage area. Greensboro provides for one chicken for every 3,000 square feet, as long as the area is greater than 7,000 square feet.[271] Anaheim allows one chicken for each 1,800 square feet, but it does provide that if the calculation results in more than half an animal, the owner can round up to the next whole animal.[272] Tampa provides five per 5,000 square feet. And, Cleveland allows for one chicken for each 800 square feet if residential and each 400 square feet if commercial or industrial.[273] Cleveland, at least, has stated in its ordinance that these square feet requirements are meant to allow six chickens on an average-sized Cleveland lot. While many of these cities provide a small enough chicken to square foot ratio that the average single-family home should be able to accommodate four or more chickens, this method still leaves open the possibility that a chicken owner would be restricted to one or two chickens. An ordinance that allows only one chicken per a certain area does not take into account that chickens are flock animals that do not thrive when left alone.

3. Limit Number of Chickens

Many other cities limit the number of chickens any household can keep, no matter the size of the property. Thirty cities place a simple limit on the number of chickens.[274] Of those cities that simply limit the number of chickens, the average number they allow is 12, the median number is nine, and the most popular number is a tie between four and 25.[275] The lowest number is Garland and Honolulu with two.[276] Somewhat surprisingly, the highest number comes from Jersey City—with 50.[277] Jersey City collapses ducks and pigeons within the restriction of 50 fowl.[278] Jersey City also requires a permit to keep chickens.[279]

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

261. Tulsa, Okla., Code of Ordinances §200(E) (2011).
262. El Paso, Tex., Mun. Code §7.24.020(B); Tulsa, Okla., Code of Ordinances §200(A).
263. Fort Worth, Tex., Code of Ordinances §11A-22(c), (d), (e) (2011).
264. Mesa, Ariz., City Code §8-6-21(A) (2011).
265. Louisville/Jefferson County Metro Code §91.011 Restraint (8) (2011).
266. Arlington, Tex., Ordinances Governing Animals §5.02 (2010).
267. Charlotte, N.C., Code of Ordinances §3-102(c)(1), (g) (2010).
268. Des Moines, Iowa, Code of Ordinances §18-4 (2011). Des Moines also allows up to two fowl to be kept as pets. *Id.* §18-136.
269. Lincoln, Neb., Mun. Code tbl. 6.04.040 (2011).
270. *Id.* §6.04.040(b)(1).
271. Greensboro, N.C., Code of Ordinances §30-8-11.3(B) (2011).
272. Anaheim, Cal., Mun. Code §18.38.030.050 (2011).
273. Cleveland, Ohio, Codified Ordinances §347.02(b)(2) (2011).
274. From lowest to highest: Honolulu, Haw., Rev. Ordinances §7-2.5(d) (1990) (two); Garland, Tex., Code of Ordinances §22.14 (2011) (two); Portland, Or., City Code §13.05.015(b) & (e) (2011) (three); Sacramento, Cal., City Code §9.44.860(A)(1) (2011) (three); Wichita, Kan., Code of Ordinances §6.04.157 (2011) (three); San Francisco, Cal., Health Code §37 (2011) (four); Milwaukee, Wis., Code of Ordinances §78-6.5(3) (2011) (four); St. Louis, Mo., Code of Ordinances §10.20.015 (2010) (four); Santa Ana, Cal., Code of Ordinances §5.6 (2011) (four); Madison, Wis., Code of Ordinances ch. 28 (no date listed); *id.* §7.29; *id.* §9.52 (four); Buffalo, N.Y., City Code §341-11 (2009) (five); San Jose, Cal., Code of Ordinances §7.60.815 (2007) (six); El Paso, Tex., Mun. Code §7.24.020 (2011) (six); Corpus Christi, Tex., Code of Ordinances §6-154 (2011) (six); Houston, Tex., Code of Ordinances ch. 6, art. II (2010) (seven); Austin, Tex., Code of Ordinances tit. III, ch. 3.1.1 (2011) (nine); Colorado Springs, Colo., City Code §6.7.106(D) (2011) (10); Plano, Tex., Code of Ordinances §4-184 (2011) (10); Glendale, Cal., Mun. Code §6.04.130 (2011) (12); Albuquerque, N.M., Code of Ordinances §9-2-4-3 (2011) (15); Kansas City, Mo., Code of Ordinances §14-15(f) (2011) (15); Miami, Fla., Code of Ordinances §6-1(b) (2011) (15); Long Beach, Cal., Mun. Code §6.20.020 (2011) (20); Tucson, Ariz., Code of Ordinances §4-56 (2011) (24); Fremont, Cal., Mun. Code §3-5803 (2011) (25); San Diego, Cal., Mun. Code §42.0708 (2011) (25); Bos., Mass., Code of Ordinances §16-1.8A (2010) (25); Birmingham, Ala., Zoning Ordinance §2.4.1 (2007) (25); Mobile, Ala., Code of Ordinances §7-103 (2011) (25); Jersey City, N.J., Code of Ordinances §90-6 (2011) (50).
275. *Supra* note 274 and accompanying text.
276. Garland, Tex., Code of Ordinances §22.14 (2011) (two); Honolulu, Haw., Rev. Ordinances §7-2.5(d) (1990) (two).
277. Jersey City, N.J., Code of Ordinances §90-6 (2011).
278. *Id.*
279. *Id.*

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

Some cities always require a permit, but set a relatively high number of chickens allowed. As noted earlier, with a permit, Jersey City allows up to 50,[282] and Boston and Mobile allow up to 25.[283] According to several Bostonians who want chickens, however, Boston does not easily grant this permit.[284] Miami allows up to 15 hens with a permit.[285]

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

Several other cities, perhaps understanding that the hens may occasionally be used to produce more chickens, allow considerably more chicks than full-grown chickens. Both Miami and Kansas City allow only 15 grown hens, but Miami allows 30 chicks,[288] and Kansas City allows 50.[289] Tulsa allows seven adults and 14 chicks.[290] Colorado Springs allows 10 hens and an unlimited number of chicks.[291] And Garland, even though it allows only two hens, does not limit the number of chicks less than one-month old.[292]

And for pure eccentricity, Houston has the most interesting restriction on the number of chickens. Houston allows up to seven hens if a person can present a written certification from a licensed physician that the person needs "fresh unfertilized chicken eggs for serious reasons pertaining to said person's health."[293] This ordinance was passed in 2010,[294] presumably because Houstonites were able to show that fresh eggs help alleviate certain medical ailments.

4. Setbacks

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

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).
293. Houston, Tex., Code of Ordinances §6-38 (2010).
294. *Id.*
295. Akron, Ohio, Code of Ordinances §92-18 (2011) (100 ft.); Anaheim, Cal., Mun. Code §18.38.030.0202 (2011) (50 ft.); Anchorage, Alaska, Code of Ordinances §§21.40.060 & 21.40.080 (2011) (25-100 ft); Arlington, Tex., Ordinances Governing Animals §5.02 (2010) (50 ft.); Atlanta, Ga., Code of Ordinances §18-7 (2011) (50 ft.); Austin, Tex., Code of Ordinances §3.2.16 (2011) (50 ft.); Bakersfield, Cal., Mun. Code §17.12.010 R-S (2011) (50 ft.); Baton Rouge, La., Code of Ordinances §14-224 (c)(1)(b) (2011) (50 ft.); Birmingham, Ala., Zoning Ordinance §2.4.1 (2007) (300 ft. from residence or 100 ft. from any residential structure); Bos., Mass., Code of Ordinances §16-1.8A, Zoning, art. 8, No. 75 (2010) (100 ft.); Buffalo, N.Y., City Code §341-11.3 (2009) (20 ft. from door or window); Corpus Christi, Tex., Code of Ordinances §6-154 (2011) (100 ft. if not enclosed); Des Moines, Iowa, Code of Ordinances §18-4 (2011) (25 ft.); El Paso, Tex., Mun. Code §7.24.030 (2011) (30 ft.); Fort Worth, Tex., Code of Ordinances §11A-22(b) & (f) (2011) (50 ft.); Fresno, Cal., Mun. Code §12.207.5 (2011) (40 ft.); Garland, Tex., Code of Ordinances §22.14 (2011) (30 ft.); Glendale, Cal., Mun. Code §6.04.030 (2011) (50 ft. from dwelling or 100 ft. from school or hospital); Glendale, Ariz., Code of Ordinances pt. II, art. 5 (2010) (100 ft.); Grand Rapids, Mich., Code of Ordinances §8.582 (2010) (100 ft. from any dwelling unit, well, spring, stream, drainage ditch, or drain); Greensboro, N.C., Code of Ordinances §30-8-11.3(B) (2011) (50 ft.); Hialeah, Fla., Code of Ordinances §10.4 (2011) (100 ft.); Honolulu, Haw., Rev. Ordinances §7-2.5(d) (1990) (300 ft.); Houston, Tex., Code of Ordinances §6-31 (2010) (100 ft.); Jersey City, N.J., Code of Ordinances §90-6 (2011) (25 ft.); Kansas City, Mo., Code of Ordinances §14-15 (2011) (100 ft.); Lincoln, Neb., Mun. Code §6.04.040 (2011) (50 ft.); Long Beach, Cal., Mun. Code §6.20.030 (2011) (50 ft.); L.A., Cal., Mun. Code §§53.58 & 53.59 (2011) (Department of Animal Services promulgated regulations that require chicken coops to be 35 ft. from neighbor's dwelling and 20 ft. from owner's dwelling); Madison, Wis., Code of Ordinances ch. 28 (no date listed) (25 ft.); Mesa, Ariz., City Code §8-6-21(g) & (h) (2011) (40 ft.); Miami, Fla., Code of Ordinances §6-1(b) (2011) (100 ft.); Milwaukee, Wis., Code of Ordinances §78-6.5(3)(g)-(j) (2011) (25 ft.); Mobile, Ala., Code of Ordinances §§7-88 & 7-103 (2011) (150 ft. if not grandfathered in); Nashville-Davidson, Tenn., Mun. Code §17-16-330(B) (2011) (250 ft.); N.Y.C., Mun. Code §161.09 (1990) (25 ft.); Newark, N.J., General Ordinances §6:2-35 (2010) (20 ft.); Oakland, Cal., Code of Ordinances §6-04-320 (2011) (20 ft.); Oklahoma City, Okla., Mun. Code 59-9350 (2011) (200 ft.); Phoenix, Ariz., City Code §8-7 (2011) (80 ft.); Richmond, Va., Code of Ordinances §10-88 (2011) (500 ft.); Riverside, Cal., Code of Ordinances §6.04.20 (2011); *id.* tit. 17 (50 ft.); Rochester, N.Y., City Ordinances §30-19(H) (no date listed) (25 ft.); Sacramento, Cal., City Code §9.44.860 (2011) (20 ft.); San Antonio, Tex., Code of Ordinances §5-109(c) (2011) (100 ft. or 50 ft. with permit); San Diego, Cal., Mun. Code §42.0709 (2011) (50 ft.); San Francisco, Cal., Health Code §37(b) (2011) (20 ft. from door or window); San Jose, Cal., Code of Ordinances §7.60.815 (2007) (20 ft. but more if have more chickens); Santa Ana, Cal., Code of Ordinances §5-18 (2011) (100 ft.); Seattle, Wash., Mun. Code §23.42.052(c)(3) (2011) (10 ft.); St. Petersburg, Fla., Code of Ordinances §4-31 (2011) (100 ft. unless have permission from neighbors); Stockton, Cal., Mun. Code §§6.04.420, 16.80.060 (2011) (50 ft.); Tacoma, Wash., Mun. Code §5.30.010 (2011) (50 ft. unless have permission from neighbors); Tampa, Fla., Code of Ordinances §19.76 (2008) (200 ft.); Tucson, Ariz., Code

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

a. Setbacks From Neighboring Buildings

Of the 56 cities that require that chickens be kept a certain distance away from neighboring residences,[299] the setbacks range from 10[300] to 500 feet.[301] The average of all of the setbacks is 80 feet,[302] although only one city, Phoenix, actually has a setback of 80 feet.[303] The median and the mode are both 50 feet.[304] The average is higher than both the median and the mode, because several cities that also require large lots, or agriculturally zoned land, also have very large setbacks.[305] The mode, the most common setback, comprises 17 cities.[306] After that, the most popular setbacks are the following:

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

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

of Ordinances §4-57 (2011) (50 ft.); Wash., D.C., Mun. Regulations for Animal Control §902.7(a) & (b) (no date listed) (50 ft.).

296. Anaheim, Cal., Mun. Code §18.38.030.0202 (2011) (20 ft. from property line); Baton Rouge, La., Code of Ordinances §14-224(c)(1)(b) (2011) (10 ft. from property line); Birmingham, Ala., Zoning Ordinance §2.4.1 (2007) (100 ft. from property line); Buffalo, N.Y., City Code §341-11.3 (2009) (18 inches from rear lot); Charlotte, N.C., Code of Ordinances §3-102(c) (2010) (25 ft. from property line); Chesapeake, Va., Code of Ordinances ch. 10 (2011) (20 ft. from property line); Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(B) (2011) (5 ft. from side yard and 18 inches from rear yard); Fresno, Cal., Mun. Code §12-206.1 (2011) (100 ft. from property line); Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011) (25 ft. from property line); Jacksonville, Fla., Ordinance Code §656.401 (2011) (50 ft. from property line); Kansas City, Mo., Code of Ordinances §14-15(f) (2011) (25 ft. from property line); Montgomery, Ala., Code of Ordinances ch. 4 art. I (2011); *id.* app. C, art. VII (200 ft. from property line); Plano, Tex., Code of Ordinances §3-204 (2011) (5 ft. from property line); Portland, Or., City Code §13.05.015(b) & (e) (2011) (50 ft. from residence or business where food is prepared); Riverside, Cal., Code of Ordinances §6.04.20 (2011) (20 ft. from property line); Seattle, Wash., Mun. Code §23.42.052(c)(3) (2011) (10 ft. from property line); Tampa, Fla., Code of Ordinances §19.76 (2008) (200 ft. from property line); Tulsa, Okla., Code of Ordinances §200(d) & (e) (2011) (50 ft., but 100 ft. if zoned agricultural); Wash., D.C., Mun. Regulations for Animal Control §902.7(a) & (b) (no date listed) (250 ft. unless have neighbor's consent).

297. Bakersfield, Cal., Mun. Code §17.12.010-RS (2011) (100 ft.); Birmingham, Ala., Zoning Ordinance §2.4.1 (2007) (300 ft.); Bos., Mass., Code of Ordinances §16-1.8A, Zoning, art. 8, No. 75 (2010) (100 ft.).

298. Buffalo, N.Y., City Code §341-11.3 (2009); Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(B) (2011); Des Moines, Iowa, Code of Ordinances §18-4 (2011); Milwaukee, Wis., Code of Ordinances §78-6.5(3)(g)-(j) (2011); Phoenix, Ariz., City Code §8-7 (2011); Sacramento, Cal., City Code §9.44.860 (2011).

299. *See supra* note 295.

300. Seattle, Wash., Mun. Code §23.42.052(c)(3) (2011).

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

302. *See supra* note 295.

303. Phoenix, Ariz., City Code §8-10 (2011) (80 ft. unless have permission from neighbor).

304. *See supra* note 295.

305. Birmingham, Ala., Zoning Ordinance §2.4.1 (2007) (300 ft.); Honolulu, Haw., Rev. Ordinances §7-2.5(d) (1990) (300 ft.); and Richmond, Va., Code of Ordinances §10-88 (2011) (500 ft.).

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

307. El Paso, Tex., Mun. Code §7.24.030 (2011) (30 ft., but only 20 ft. if separated by a fence that is at least six ft.); Garland, Tex., Code of Ordinances §22.14(A) (2011).

308. Anchorage, Alaska, Code of Ordinances §§21.40.060 & 21.40.080 (2011); Des Moines, Iowa, Code of Ordinances §18-4(h)(1) (2011); Jersey City, N.J., Code of Ordinances §90-6 (2011); Madison, Wis., Code of Ordinances ch. 28 (no date listed); Milwaukee, Wis., Code of Ordinances §78-6.5 (2011); N.Y.C., Mun. Code §161.09 (1990) (for poultry market coops only—poultry not intended for sale is not regulated); Rochester, N.Y., City Ordinances §30-19(H) (no date listed).

309. Buffalo, N.Y., City Code §341-11.3 (2009); Newark, N.J., General Ordinances §6:2-35 (2010); Oakland, Cal., Code of Ordinances §6-04-320 (2011); Sacramento, Cal., City Code §9.44.860 (2011); San Francisco, Cal., Health Code §37 (2011); San Jose, Cal., Code of Ordinances §7.60.815 (2007) (applying setback to all small animals, not just chickens).

310. Seattle, Wash., Mun. Code §23.42.052(C) (2011).

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

312. St. Petersburg, Fla., Code of Ordinances §4-31 (2011) (100 ft. unless have permission from neighbors); San Antonio, Tex., Code of Ordinances §5-109(c) (2011) (100 ft. or 50 ft. with permit); Corpus Christi, Tex., Code of Ordinances §6-154 (2011) (100 ft. if not enclosed).

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

314. Mobile, Ala., Code of Ordinances §7-88(d) (2011) (150 ft. if not grandfathered in), *but see id.* §7-103(d) (allowing for 20 ft. from the property line in a residential area).

315. Oklahoma City, Okla., Mun. Code §59-9350(F) & (I) (2011).

316. *Id.* §59-9350(H).

317. Las Vegas, Nev., Mun. Code §7.38.050 (2011) (300 ft. without permission); Phoenix, Ariz., City Code §8-10 (2011) (80 ft. without permission); St. Petersburg, Fla., Code of Ordinances §4-31(d) (2011) (100 ft. without permission); Tacoma, Wash., Mun. Code §§5.30.010 & 5.30.030 (2011) (50 ft. without permission).

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

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

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

b. Setbacks From Property Line

Twenty cities mandate setbacks from the property line;[322] those setbacks range from 18 inches[323] to 250 feet.[324] The average setback is 59 feet, but no city actually has such a setback. The closest are Jacksonville and Tulsa, which both have a setback of 50 feet.[325] Again, a few cities with very large setbacks are raising the average.[326] The median setback is 25 feet.[327] And the mode, or most popular, setback is tied at either 20[328] or 25 feet.[329]

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

c. Setbacks From the Street

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

d. Other Kinds of Setbacks

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

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

318. San Antonio, Tex., Code of Ordinances §5-109 (2011).
319. Buffalo, N.Y., City Code §341-11 (2009); San Francisco, Cal., Health Code §37 (2011).
320. *E.g.*, Fort Worth, Tex., Code of Ordinances §11A-22 (2011); Glendale, Cal., Mun. Code §6.04.130 (2011).
321. Grand Rapids, Mich., Code of Ordinances §8.582(2) (2010).
322. Anaheim, Cal., Mun. Code §18.38.030.0202 (2011) (20 ft. from property line); Baton Rouge, La., Code of Ordinances §14-224(c)(1)(b) (2011) (10 ft. from property line); Birmingham, Ala., Zoning Ordinance §2.4.1 (2007) (100 ft. from property line); Buffalo, N.Y., City Code §341-11.3 (2009) (18 inches from rear lot); Charlotte, N.C., Code of Ordinances §3-102(c) (2010) (25 ft. from property line); Chesapeake, Va., Code of Ordinances ch. 10 (2011) (20 ft. from property line); Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(B) (2011) (5 ft. from side yard and 18 inches from rear yard); Fresno, Cal., Mun. Code §12-206.1 (2011) (100 ft. from property line); Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011) (25 ft. from property line); Jacksonville, Fla., Ordinance Code §656.401 (2011) (50 ft. from property line); Kansas City, Mo., Code of Ordinances §14-15(f) (2011) (25 ft. from property line); Montgomery, Ala., Code of Ordinances ch. 4 art. I (2011); *id.* at app. C, art. VII (200 ft. from property line); Plano, Tex., Code of Ordinances §3-204 (2011) (5 ft. from property line); Portland, Or., City Code §13.05.015(b) & (e) (2011) (50 ft. from residence or business where food is prepared); Riverside, Cal., Code of Ordinances §6.04.20 (2011) (20 ft. from property line); Seattle, Wash., Mun. Code §23.42.052(c)(3) (2011) (10 ft. from property line); Tampa, Fla., Code of Ordinances §19.76 (2008) (200 ft. from property line); Tulsa, Okla., Code of Ordinances §200(d) & (e) (2011) (50 ft., but 100 ft. if zoned agricultural); Wash., D.C., Mun. Regulations for Animal Control §902.7(a) & (b) (no date listed) (250 ft. unless have neighbor's consent).
323. Cleveland, Ohio, Codified Ordinances §347.02 (2011); Buffalo, N.Y., City Code §341-11.3 (2009).
324. Wash., D.C., Mun. Regulations for Animal Control §902.7 (no date listed) (250 ft. setback without consent of neighbors).
325. Jacksonville, Fla., Ordinance Code §656.401 (2011) (50 ft. from property line); Tulsa, Okla., Code of Ordinances §200(d), (e) (2011).
326. Tulsa, Okla., Code of Ordinances §200(d), (e) (2011) (200 ft.); Tampa, Fla., Code of Ordinances §19.76 (2008) (200 ft.); Wash., D.C., Mun. Regulations for Animal Control §902.7(a) & (b) (no date listed) (250 ft.).
327. Charlotte, N.C., Code of Ordinances §3-102(c)(1), (f) (2010); Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011); Kansas City, Mo., Code of Ordinances §14-15 (2011).
328. Anaheim, Cal., Mun. Code §18.38.030.0202 (2011); Chesapeake, Va., Code of Ordinances ch. 10 (2011); Riverside, Cal., Code of Ordinances §6.04.20 & tit. 17(2011).
329. *See supra* note 327.
330. Wash., D.C., Mun. Regulations for Animal Control §902.7(b) (no date listed).
331. Bos., Mass., Code of Ordinances §16-1.8A, Zoning, art. 8, No. 75 (2010); Bakersfield, Cal., Mun. Code §17.12.010-RS (2011); Birmingham, Ala., Zoning Ordinance §2.4.1 (2007).
332. Bakersfield, Cal., Mun. Code §17.12.010-RS (2011).
333. Buffalo, N.Y., City Code §341-11.3 (2009); Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(B) (2011); Des Moines, Iowa, Code of Ordinances §18-4 (2011); Milwaukee, Wis., Code of Ordinances §78-6.5(3)(i) (2011); Phoenix, Ariz., City Code §8-7 (2011); Sacramento, Cal., City Code §9.44.860 (2011).
334. *E.g.*, Austin, Tex., Code of Ordinances §3.2.16 (2011) (50 ft); Anaheim, Cal., Mun. Code §18.38.030.0202 (2011).
335. Atlanta, Ga., Code of Ordinances §18-7 (2011).
336. L.A., Cal., Mun. Code §§53.58 & 53.59 (2011) (Department of Animal Services promulgated regulations requiring coops to be 20 ft. from owner's dwelling).
337. Wichita, Kan., Code of Ordinances §6.04.173(c) (2011).
338. St. Paul, Minn., §198.05 (2011).
339. Fremont, Cal., Mun. Code §3-5803 (2011).

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

5. Coop Requirements

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

a. No Running at Large

First, 33 cities prohibit chickens particularly or animals in general from running at large.[341] Most of those cities simply prohibit chickens from running at large, but some provide for a little more nuance. For instance, Cincinnati does not allow chickens to run at large "so as to do damage to gardens, lawns, shrubbery or other private property."[342] So, presumably, a chicken could run free, as long as it didn't damage anything. Five cities, instead of making it unlawful to run at large, provide that the chicken must be kept enclosed in the coop and not allowed to escape.[343] And two cities, Richmond and Stockton, frame it in terms of trespass and do not allow chicken trespassers.[344] In any event, all of these statutes imply that a coop, minimally, must be constructed so that the birds cannot escape.

b. Coops Must Be Clean and Sanitary

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

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

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).

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).

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

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

Many cities also have a particular concern with either flies or rodents. Fourteen cities specify that attracting flies will be a nuisance.[357] Cities that specifically mention flies within their ordinances are congregated mostly in the South or the Southwest.[358] Several mandate that chicken feed or chicken waste be kept in fly-tight containers.[359] Miami requires that a chicken's droppings be treated to destroy fly maggots before it can be used as fertilizer.[360] Mesa has four cleaning requirements all designed to keep flies away: (1) droppings must be removed twice weekly; (2) "fowl excreta" must be stored in fly-tight containers; (3) water and feed troughs must be kept sanitary; and (4) food and food waste must be kept in a fly-proof container—all explicitly "to prevent the breeding of flies."[361]

Kansas City's concern with flies will stand in the way of keeping hens for eggs that would meet organic standards; it mandates the use of insecticide by providing that "all structures, pens or coops wherein fowl are kept or permitted to be shall be sprayed with such substances as will eliminate such insects."[362] Because chickens eat insects, and because the protein they gain from eating those insects has a beneficial effect on the nutritional value of their eggs, this regulation stands at odds with a reason many people are interested in keeping backyard hens.

Glendale, California, appears to be the most concerned about flies, going so far as to mandate that the owner adhere to impossible building requirements. Glendale requires chickens to be kept in a fly-proof enclosure; it defines fly-proof quite specifically as "a structure or cage of a design which prevents the entry therein or the escape therefrom of any bee, moth or fly."[363] Because a chicken must enter into and exit from its enclosure, and because one would want the chicken to have access to fresh air and sunlight, such a structure presents itself as an architectural impossibility.

Ten cities are particularly concerned with rats.[364] Of these cities, several are concerned about both flies and rats.[365] Most of these cities simply mandate that the coop be free of rats,[366] but three cities require that food be kept

347. *E.g.*, Austin, Tex., Code of Ordinances §10-5-21 (2011); Fresno, Cal., Mun. Code §10.203 (2011); Long Beach, Cal., Mun. Code §6.20.070 (2011); Omaha, Neb., Code of Ordinances §6-261 (2011); San Antonio, Tex., Code of Ordinances §5-109 (2011); San Jose, Cal., Code of Ordinances §7.60.755 (2007); Toledo, Ohio, Mun. Code §1706.07 (2011); Wichita, Kan., Code of Ordinances §6.04.174 (2011).

348. *E.g.*, Austin, Tex., Code of Ordinances §10-5-21 (2011); Cincinnati, Ohio, Code of Ordinances §701-35 (2011); Dallas, Tex., Code of Ordinances §7-3.2 (2011); Fort Wayne, Ind., Code of Ordinances §91.017 (2011); Fresno, Cal., Mun. Code §10.203 (2011); Garland, Tex., Code of Ordinances §22.17 (2011); Kansas City, Mo., Code of Ordinances §§14-18 & 14-19 (2011); Las Vegas, Nev., Mun. Code §7.36.050 (2011); Lincoln, Neb., Mun. Code §6.04.050 (2011); Miami, Fla., Code of Ordinances §6-1 (2011); New Orleans, La., Code of Ordinances §18-2.1 (2011); Omaha, Neb., Code of Ordinances §6-261 (2011); St. Petersburg, Fla., Code of Ordinances §4-31(c) (2011); Toledo, Ohio, Mun. Code §1705.07 (2011); Wichita, Kan., Code of Ordinances §6.04.174 (2011).

349. *E.g.*, Baton Rouge, La., Code of Ordinances §14:224(c)(1)(c) & (d) (2011); New Orleans, La., Code of Ordinances §18-2.1 (2011); Tulsa, Okla., Code of Ordinances §§200(d), (e) & 406 (2011).

350. *E.g.*, Buffalo, N.Y., City Code §341-11.3 (2009); Charlotte, N.C., Code of Ordinances §3-102(c) (2010).

351. Houston, Tex., Code of Ordinances §6-36 (2010).

352. Milwaukee, Wis., Code of Ordinances §78-6.5 (2011).

353. Des Moines, Iowa, Code of Ordinances §18-137 (2011); Santa Ana, Cal., Code of Ordinances §5.6(b) (2011).

354. Garland, Tex., Code of Ordinances §22.17 (2011); Glendale, Ariz. Mun. Code §25-24(h) (2010); Irving, Tex., Code of Ordinances §6-6 (2011); Mesa, Ariz., City Code §8-6-22 (2011); Miami, Fla., Code of Ordinances §6-1 (2011); Phoenix, Ariz., City Code §8-7(d) (2011); Scottsdale, Ariz., Code of Ordinances §4-18 (2011).

355. Albuquerque, N.M., Code of Ordinances §9-2-2-2(B)(1) (2011); Lincoln, Neb., Mun. Code §6.04.050 (2011); Newark, N.J., General Ordinances §6:2-35 (2010); San Diego, Cal., Mun. Code §42.0709 (2011).

356. Jersey City, N.J., Code of Ordinances §90-8(C) (2011).

357. Austin, Tex., Code of Ordinances §10-5-21 (2011); Fort Worth, Tex., Code of Ordinances §11A-22(h) (2011); Garland, Tex., Code of Ordinances §22.17 (2011); Glendale, Cal., Mun. Code §6.04.040 (2011); Houston, Tex., Code of Ordinances §6-36 (2010); Kansas City, Mo., Code of Ordinances §14-19 (2011); Las Vegas, Nev., Mun. Code §7.36.050 (2011); Lincoln, Neb., Mun. Code §6.04.050 (2011); Mesa, Ariz., City Code §8-6-23 (2011); Miami, Fla., Code of Ordinances §6-1 (2011); San Jose, Cal., Code of Ordinances §7.60.755 (2007); Santa Ana, Cal., Code of Ordinances §5.6(b) (2011); Scottsdale, Ariz., Code of Ordinances §§4-17 & 4-18 (2011); Wash., D.C., Mun. Regulations for Animal Control §902.11-13 (no date listed).

358. *See supra* note 357.

359. Houston, Tex., Code of Ordinances §6-36 (2010); Mesa, Ariz., City Code §8-6-23 (2011); Santa Ana, Cal., Code of Ordinances §5.6(b) (2011).

360. Miami, Fla., Code of Ordinances §6-1 (2011).

361. Mesa, Ariz., City Code §8-6-23 (2011).

362. Kansas City, Mo., Code of Ordinances §14-15(d) (2011).

363. Glendale, Cal., Mun. Code §6.04.040 (2011).

364. Buffalo, N.Y., City Code §341-11.13(B)(8) (2009); Cincinnati, Ohio, Code of Ordinances §§604.17 & 00053-11 (2011); Denver, Colo., Mun. Code §8-92 (2011); Fort Worth, Tex., Code of Ordinances §11A-22(h) (2011); Kansas City, Mo., Code of Ordinances §14-15 (2011); Las Vegas, Nev., Mun. Code §7.36.050 (2011); Mobile, Ala., Code of Ordinances §7-103 (2011); New Orleans, La., Code of Ordinances §18-2.1 (2011); Richmond, Va., Code of Ordinances §10-88 (2011); Scottsdale, Ariz., Code of Ordinances §4-17 (2011); Wash., D.C., Mun. Regulations for Animal Control §§902.12 & 902.13 (no date listed).

365. *E.g.*, Cincinnati, Ohio, Code of Ordinances §§604.17 & 00053-11 (2011); Kansas City, Mo., Code of Ordinances §14-15 (2011); Las Vegas, Nev., Mun. Code §7.36.050 (2011); Mobile, Ala., Code of Ordinances §7-102 (2011); Scottsdale, Ariz., Code of Ordinances §§4-17 & 4-18 (2011); Wash., D.C., Mun. Regulations for Animal Control §902.12 (no date listed).

366. Cincinnati, Ohio, Code of Ordinances §00053-11 (2011); Fort Worth, Tex., Code of Ordinances §11A-22(d) (2011); Kansas City, Mo., Code of Ordinances §14-15 (2011); Las Vegas, Nev., Mun. Code

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within a rat-proof container.[367] Denver appears to have the same antipathy toward rats as Glendale does toward flies. Denver requires that chickens be kept in a rat-proof building. A rat-proof building is one that is made with no "potential openings that rats could exploit and built with "material impervious to rat-gnawing."[368] While an opening for a rat would necessarily be bigger than an opening for a fly, because chickens will still have to enter and exit the structure, Denver appears to demand similarly impossible architecture.

c. Coop Construction Requirements

Thirty-seven cities regulate the construction of the chicken coop.[369] Like the cleaning regulations, many of these cities' ordinances are not particular to chickens, but cover any structure meant to house an animal.[370] But, as demonstrated below, most specifically regulate chicken coops.

Most of these ordinances require that chickens be kept within an enclosure, and many add that the enclosure must be secure.[371] Some further require that the enclosure keep animals protected from inclement weather.[372] Outside of this, however, there is no consistency to these statutes.

Of the cities that have promulgated shelter requirements specific to chickens, nine of them mandate that each chicken be given a specific amount of space.[373] Of these cities, the average amount of space per chicken is five square feet, although no city actually mandates that.[374] The median amount of space per chicken is four square feet. The mode, or most popular amount, is also four square feet.[375] The next most popular is between two and two-and-one-half square feet.[376] Cleveland requires 10 square feet per chicken, but specifies that this is for the outdoor run, not for the enclosed coop.[377] Rochester also takes the difference between a chicken coop and a chicken run into account and requires at least four square feet per chicken in both the coop and the run.[378] Long Beach does not give a particular square footage per chicken, but requires that each coop be at least twice as big as the bird.[379]

Instead of regulating coop size so specifically, some cities require that the coops not be cramped or overcrowded.[380] Others state that the coop should be big enough for the chicken to move about freely,[381] or have space to stand,

§7.36.050 (2011); New Orleans, La., Code of Ordinances §18-2.1 (2011); Scottsdale, Ariz., Code of Ordinances §4-17 (2011); Wash., D.C., Mun. Regulations for Animal Control §§902.12 & 902.13 (no date listed).

367. Buffalo, N.Y., City Code §341-11.3 (2009); Des Moines, Iowa, Code of Ordinances §18-4(h) (2011); Richmond, Va., Code of Ordinances §10-88 (2011).

368. Denver, Colo., Mun. Code §§40.41 & 40.51 (2011).

369. Albuquerque, N.M., Code of Ordinances §9-2-2-2 (2011); Anchorage, Alaska, Code of Ordinances §17.05.010 (2011); Arlington, Tex., Ordinances Governing Animals §1.01 Secure Enclosure (2010); Atlanta, Ga., Code of Ordinances §18-7 (2011); Austin, Tex., Code of Ordinances §3-2-11 (2011); Baltimore, Md., Health Code §10-409 (2011); Buffalo, N.Y., City Code §341-11.3 (2009); Charlotte, N.C., Code of Ordinances §3-102(c) (2010); Cincinnati, Ohio, Code of Ordinances §00053-11 (2011); Cleveland, Ohio, Codified Ordinances §347.02(a)(1)(D) & (E) (2011); Colorado Springs, Colo., City Code §6.7.106(D) (2011); Corpus Christi, Tex., Code of Ordinances §6-154 (2011); Des Moines, Iowa, Code of Ordinances §18-3(h) (2011); Fresno, Cal., Mun. Code §10.205 (2011); Glendale, Cal., Mun. Code §6.04.040 (2011); Houston, Tex., Code of Ordinances §6-36 (2010); Irving, Tex., Code of Ordinances §6-1 Shelter (2011); Jersey City, N.J., Code of Ordinances §90-8 (2011); Kansas City, Mo., Code of Ordinances §14-15 (2011); Lincoln, Neb., Mun. Code §6.04.050 (2011); Long Beach, Cal., Mun. Code §6.20.100 (2011); Louisville, Ky., Metro Code §91.001 Restraint (2011); Madison, Wis., Code of Ordinances §28.08 (no date listed); Mobile, Ala., Code of Ordinances §7-88 (2011); Montgomery, Ala., Code of Ordinances §4-161 (2011); New Orleans, La., Code of Ordinances §18-2.1 (2011); Norfolk, Va., Code of Ordinances §6.1-2 (2011); Oklahoma City, Okla., Mun. Code §8-96(c) & (e) (2011); Plano, Tex., Code of Ordinances §4-1 Secure Enclosure & Shelter (2011); Rochester, N.Y., City Ordinances §30-19 (no date listed); San Antonio, Tex., Code of Ordinances §5-9 (2011); San Jose, Cal., Code of Ordinances §§7.20.020 & 7.60.760 (2007); Santa Ana, Cal., Code of Ordinances §5.6(b) (2011); Seattle, Wash., Mun. Code §23.42.052(c)(3) (2011); Tacoma, Wash., Mun. Code §17.01.010 (2011); Tucson, Ariz., Code of Ordinances §4-3(2)(c) (2011); Tulsa, Okla., Code of Ordinances §406 (2011).

370. Albuquerque, N.M., Code of Ordinances §9-2-2-2 (2011); Anchorage, Alaska, Code of Ordinances §17.05.010 (2011); Arlington, Tex., Ordinances Governing Animals §1.01 Secure Enclosures (2010); Baltimore, Md., Health Code §10-409 (2011); Irving, Tex., Code of Ordinances §6-1 (2011); Mobile, Ala., Code of Ordinances §7-15 (2011); Montgomery, Ala., Code of Ordinances §4-161 (2011); New Orleans, La., Code of Ordinances §18-2.1 (2011); Norfolk, Va., Code of Ordinances §6.1-2 (2011); Plano, Tex., Code of Ordinances §4-1 (2011); Tucson, Ariz., Code of Ordinances §4-3(2)(c) (2011).

371. *E.g.*, Albuquerque, N.M., Code of Ordinances §9-2-2-2 (2011); Anchorage, Alaska, Code of Ordinances §17.05.010 (2011); Arlington, Tex., Ordinances Governing Animals §1.01 Secure Enclosures (2010); Atlanta, Ga., Code of Ordinances §18-7 (2011); Austin, Tex., Code of Ordinances §3-2-11 (2011); Buffalo, N.Y., City Code §341-11.3 (2009); Des Moines, Iowa, Code of Ordinances §18-3(h) (2011); Glendale, Cal., Mun. Code §6.04.040 (2011); Irving, Tex., Code of Ordinances §6-1 (2011); Kansas City, Mo., Code of Ordinances §14-15 (2011); Louisville, Ky., Metro Code §91.001 (2011); Madison, Wis., Code of Ordinances §28.08 (no date listed); Montgomery, Ala., Code of Ordinances §4-161 (2011); Norfolk, Va., Code of Ordinances §6.1-2 (2011); Plano, Tex., Code of Ordinances §4-1 (2011); Tacoma, Wash., Mun. Code §17.01.010 (2011).

372. *E.g.*, Norfolk, Va., Code of Ordinances §6.1-2 (2011) (providing that a shelter must protect "each animal from injury, rain, sleet, snow, hail, direct sunlight"); Plano, Tex., Code of Ordinances §4-1 (2011) (providing that fowl should be housed in a "structure that is capable of providing cover and protection from the weather"); Tulsa, Okla., Code of Ordinances §406 (2011) ("Natural or artificial shelters appropriate to the local climactic 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).

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turn around, and lie down.[382] Des Moines is unique, in that it looks to state or national standards for the coop size, providing that "such enclosures shall be of sufficient size to house the number of animals or fowl permitted by state or national standards."[383]

Some cities also mandate how large the coop can be. The coop sizes also lack uniformity—both Buffalo and Cleveland provide that the coop can be no larger than 32 square feet, but Cleveland will allow the coop to be up to 15 feet high, while Buffalo caps height at seven feet.[384] Seattle allows for up to 1,000 square feet and caps the height at 12 feet.[385] Finally, Charlotte is the only city that provides for a minimum height by requiring the coops to be at least 18 inches high.[386]

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

Two cities stand at odds on the issue of keeping chickens within solid walls. Baltimore prohibits chickens from being confined in a cage entirely of solid walls,[392] while Corpus Christi, to avoid large setbacks, requires that chickens be confined entirely within solid walls.[393]

And some cities have entirely unique ordinances. Irving is concerned with protecting chickens from inclement weather; it requires protection from the direct rays of the sun when the temperature is over 90 degrees and protection from direct exposure to wind when the temperature is below 50 degrees.[394] Jersey City's ordinance stands out for its thoughtfulness.[395] It requires that the coop contain windows if possible, that the coop be white-washed or painted, and that the coop contain removable perches and nests, so that they can be cleaned on a regular basis.[396] Rochester does not allow fowl to be kept in a cellar.[397] And San Antonio requires that the coop be built so that the chicken's feet do not fall through the floor.[398]

d. Giving Authority Over Coop Requirements to a City Official

Instead of legislating coop requirements through City Council, four cities delegate to some other city official. San Francisco requires the coop structure to be approved by the Department of Health[399]; Washington, D.C., assigns it to the Director of the Department of Human Services.[400] Columbus requires its Health Commissioner to approve the structure.[401] St. Louis allows its Animal Health Commissioner to set standards for coop construction.[402] And finally, Rochester mandates that the coop will, at all times, be subject to inspection and subject to the orders of its Chief of Police.[403]

e. Feed and Water Requirements

Eleven cities are concerned that chickens receive enough food and water.[404] Most of these simply mandate that chickens receive adequate or sanitary food and water, but three of the cities show special concern with the chicken's welfare. Long Beach and Los Angeles require chickens to be given water every 12 hours.[405] Memphis and Omaha require that the chickens not only be given sufficient food but also "wholesome" food and water.[406] And Buffalo requires that chickens be fed only through an approved

382. Long Beach, Cal., Mun. Code §6.20.100 (2011) (providing that animals must have enough space to stand in a naturally erect position); New Orleans, La., Code of Ordinances §18-2.1(a)(2) (2011); Plano, Tex., Code of Ordinances §4-1 Secure Enclosure & Shelter (2011); Tucson, Ariz., Code of Ordinances §4-3(2)(c) (2011).
383. Des Moines, Iowa, Code of Ordinances §18-3(h) (2011).
384. Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(D) (2011); Buffalo, N.Y., City Code §341-11.3(B)(7) (2009).
385. Seattle, Wash., Mun. Code §23.42.052(c)(3) (2011).
386. Charlotte, N.C., Code of Ordinances §3-102(c) (2010).
387. *E.g.*, Arlington, Tex., Ordinances Governing Animals §1.01 Secure Enclosure (2010); Glendale, Cal., Mun. Code §6.04.040 (2011); Lincoln, Neb., Mun. Code §6.04.050 (2011) (requiring that, if a coop is less than 7,500 square feet, that the flooring be made of hard surface material); New Orleans, La., Code of Ordinances §18-2.1(a)(1) (2011); Plano, Tex., Code of Ordinances §4-1 Secure Enclosure & Shelter (2011); Santa Ana, Cal., Code of Ordinances §5.6(b)(2) (2010) (providing that the "floors of every such building shall be smooth and tight").
388. *E.g.*, Buffalo, N.Y., City Code §341-11.3(B)(7) (2009); Charlotte, N.C., Code of Ordinances §3-102(c) (2010); Jersey City, N.J., Code of Ordinances §90-8 (2011); New Orleans, La., Code of Ordinances §18-2.1(a)(1) (2011); Plano, Tex., Code of Ordinances §4-1 Secure Enclosure & Shelter (2011).
389. *E.g.*, Jersey City, N.J., Code of Ordinances §90-8 (2011); New Orleans, La., Code of Ordinances §18-2.1(a)(1) (2011); Santa Ana, Cal., Code of Ordinances §5.6(b)(2) (2011).
390. Buffalo, N.Y., City Code §341-11.3(B)(3) & (4) (2009); Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(D). *See also* Nashville-Davidson, Memo from John Cooper, Director Metropolitan Council Office, to All Members of Metropolitan Council (Sept. 1, 2009) (on file with author) (providing that coops must be kept in a predator-proof enclosure).
391. Buffalo, N.Y., City Code §341-11.3(B)(1) (2009); Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(D) & (E) (2011); Colorado Springs, Colo., City Code §6.7.106(D) (2011).
392. Baltimore, Md., Health Code §10-409 (2011).
393. Corpus Christi, Tex., Code of Ordinances §6-154 (2011).
394. Irving, Tex., Code of Ordinances §6-1 Shelter (2011).
395. Jersey City, N.J., Code of Ordinances §90-8 (2011).
396. *Id.*
397. Rochester, N.Y., City Ordinances §30-19 (no date listed).
398. San Antonio, Tex., Code of Ordinances §5-9 (2011).
399. San Francisco, Cal., Health Code §37(b) (2011).
400. Wash., D.C., Mun. Regulations for Animal Control §902.7(c) (no date listed).
401. Columbus, Ohio, City Code §221.05(b) (2011).
402. St. Louis, Mo., Code of Ordinances §10.20.016 (2010).
403. Rochester, N.Y., City Ordinances §30-19 (no date listed).
404. Baton Rouge, La., Code of Ordinances §14:224(c)(1)(d) (2011); Buffalo, N.Y., City Code §341-11.3(B)(9) (2009); Chicago, Ill., Code of Ordinances §7-12-290(b) (2011); Cincinnati, Ohio, Code of Ordinances §701-35 (2011); Long Beach, Cal., Mun. Code §6.20.090 (2011); L.A., Cal., Mun. Code §53.46 (2011); Memphis, Tenn., Code of Ordinances §8-8-1 (2009); Mesa, Ariz., City Code §8-6-23(C) (2011); Milwaukee, Wis., Code of Ordinances §78-6.5 (2011); Montgomery, Ala., Code of Ordinances §4-161 (2011); Omaha, Neb., Code of Ordinances §6-261 (2011).
405. Long Beach, Cal., Mun. Code §6.20.090 (2011); L.A., Cal., Mun. Code §53.46 (2011).
406. Memphis, Tenn., Code of Ordinances §8-8-1 (2009); Omaha, Neb., Code of Ordinances §6-261 (2011).

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trough and prohibits feeding them through scattering food on the ground.[407]

6. Permit Requirements

Thirty-eight cities require a permit to keep chickens under certain circumstances.[408] Like all of the other regulations, there is very little consistency. Eleven cities require permits for more than a maximum number of chickens.[409] The average number the city allows before requiring a permit is seven. The average is high because San Diego allows up to 20 chickens before seeking a permit.[410] The median is five and the mode, with three cities, Saint Louis, Santa Ana and Spokane, is four. Two cities, El Paso and San Jose, allow for six.[411] And, two cities, Portland and Witchita allow for three.[412] Two cities require a permit if one seeks to place the chickens within the legislated setbacks.[413] And one city, Riverside, only requires a permit if one wants to keep roosters.[414]

The remaining 24 cities require a permit to keep chickens under all circumstances.[415] Permit renewal periods and fees also differ substantially among cities. Of the cities that require permits to keep chickens in all circumstances, there is little agreement for how long these permits should last or how much they should cost. At least 10 of them require permit holders to renew annually.[416] Two have an initial term of one year, but then either allow or require five-year permits after that.[417] Cleveland has a biennial permit.[418] Mobile allows for the permit to remain valid until revoked by the health officer.[419] And several simply don't specify how long the permit will last.[420]

There is also a lot of variety among cities in where to go to get the permit. Cleveland, Columbus, Omaha, and Norfolk grant the public health departments the authority to grant permits[421]; Newark gives it to the Director of the Department of Child and Family Well-Being[422]; Sacramento to the Animal Care Services Operator[423]; 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).

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to the City Clerk[424]; and Boston to the Inspectional Services Department.[425] Most cities, however, do not state in the ordinance by what means a person actually procures a permit.[426]

Three cities use the permit process to make sure that would-be chicken owners have the consent of their neighbors. St. Paul, Minnesota, requires that an applicant show, through written consent, that 75% of the owners or occupants of property within 150 feet have given permission for the chickens.[427] Las Vegas requires written consent of neighbors within 350 feet.[428] Buffalo and Milwaukee also requires written consent from adjacent landowners to secure a permit.[429] Riverside, California, allows residents to keep hens without a permit, but requires a permit, with written permission from the neighbors, to keep more than six roosters.[430]

Finally, some cities use the permitting schemes to ensure that chicken owners comply with a long list of regulations. For instance, Buffalo has set forth a labyrinthine process for securing a "chicken license."[431] It requires the license seeker to provide his name, address, number of chickens sought, and the location of the coop. The city then notifies neighboring landowners with property within 50 feet of the applicant's property of the application and allows them to provide written comments. The city also notifies the mayor and City Council. If the city clerk does not receive any comments, the clerk can issue a license for up to five hens. But if anyone lodges a negative comment, then the permit goes to City Council and Council must determine, after taking in the entire record before it, if the city will grant the license. If the Council approves it, it goes to the mayor, who has the power to veto it; if he does so—it would require a 2/3 majority at the following Council meeting to pass.[432] If the permit is granted, then the Animal Control Officer must inspect the coop before the licensee is actually allowed to get chickens.[433] Then, the licensee has to procure a separate license from the building department to build the chicken coop.[434]

And then Buffalo requires similar procedures for renewing the license each year. Each license automatically expires on June 1. From May 1 to June 1, the city opens up a comment period for anyone to complain about licensed chickens. The City Council is to consider all of these comments and any rebuttals to them before deciding whether to renew the license. The City Council can also revoke the license at any time if it hears any complaints about the licensee.[435]

This licensing scheme appears designed to ameliorate concerns that the city will be overwhelmed with complaints. But the resources the city puts into this process and the time it is requiring councilmembers and the mayor to put into it if a single person registers a negative comment must far outweigh any resources the city would be using to prosecute rogue chickens owners.

Many cities also charge fees for these permits. Because many cities do not list their fees on any publicly accessible website, it is difficult to draw strong conclusions on the norm for how much a city charges. But, 14 cities' fees were identified.[436] Three of the 14 charged an initial fee, Milwaukee charged a $25 initial fee, Minneapolis $50, and St. Paul $72.[437] Thirteen cities, including Minneapolis and St. Paul, charged annual fees.[438] The fees ranged from specifying that the permit would be free to $50 per year. The average annual fee was $29, although no city charged that amount. The median fee and the mode are both $25 per year. Two cities legislated late charges into the statute, Lincoln has a $25 late fee,[439] and Madison charges $5 if a permit is renewed late.[440] Finally, Minneapolis gives a $50 discount from the annual fee if a licensee renews for five years, instead of paying $40 a year, one can pay $150 for a five-year period.[441]

424. Tacoma, Wash., Mun. Code §5.30.010 (2011).
425. Bos., Mass., Code of Ordinances §16-1.8A (2010).
426. *E.g.*, Charlotte, N.C., Code of Ordinances §3-102(a) (2010) (providing that the "bureau" will issue the permit.); Jersey City, N.J., Code of Ordinances §90-7 (2011) (providing that the "licensing issuing authority" will grant the permit).
427. St. Paul, Minn., §198.04(b) (2011):
> The applicant for any permit required under the provisions of section 198.02 shall provide with the application the written consent of seventy-five (75) percent of the owners or occupants of privately or publicly owned real estate within one hundred fifty (150) feet of the outer boundaries of the premises for which the permit is being requested or, in the alternative, proof that applicant's property lines are one hundred fifty (150) feet or more from any structure. However, where a street separates the premises for which the permit is being requested from other neighboring property, no consent is required from the owners or occupants of property located on the opposite side of the street. Where a property within one hundred fifty (150) feet consists of a multiple dwelling, the applicant need obtain only the written consent of the owner or manager, or other person in charge of the building.

428. Las Vegas, Nev., Mun. Code §7.38.050 (2011).
429. Buffalo, N.Y., City Code §341-11.2 (2009) ("No chicken hens shall be allowed without the express written consent of all residents residing on property adjacent to that of the applicant."); Milwaukee, Wis., Code of Ordinances §78-6.5 (2011) (Before a permit is issued for the keeping of chickens, the applicant shall obtain the written consent of the owner of the property where the chickens shall be kept and owners of all directly or diagonally abutting properties, including those across an alley.")
430. Riverside, Cal., Code of Ordinances §6.05.020 (2011).
431. Buffalo, N.Y., City Code §341-11.4 (2009).
432. Buffalo, N.Y., City Charter §3-19.
433. Buffalo, N.Y., City Code §341-11.4 (2009).
434. *Id.*
435. *Id.*
436. Buffalo, N.Y., City Code §341-11.1(G) (2009) ($25 annual fee); Charlotte, N.C., Code of Ordinances §3-102(a) (2010) ($50 annual fee); Denver, Colo., Mun. Code §8-91 (2011) ($50 annual fees as listed on city website at http://www.denvergov.org/FrequentlyAskedQuestionsandRelatedLinks/tabid/434759/Default.aspx); Jersey City, N.J., Code of Ordinances §90-7 (2011) ($25 annual fee); Lincoln, Neb., Mun. Code §6.04.090 (2011) ($50 annual fee with a $25 late fee); Madison, Wis., Code of Ordinances §9.52 (no date listed) ($10 annual fee with a $5 late fee); Milwaukee, Wis., Code of Ordinances §60-7 (2011) ($35 initial fee); Minneapolis, Minn., Code of Ordinances §70.10(f) (2011) ($50 initial fee and $40 annual fee); Mobile, Ala., Code of Ordinances §7-102 (2011) (specifies that permits are free); Newark, N.J., General Ordinances §6:2-31 (2010) ($10 annual fee); Rochester, N.Y., City Ordinances §30-16 (no date listed) ($37 annual fee); St. Louis, Mo., Code of Ordinances §10.20.013(f) (2010) ($40 annual fee); St. Paul, Minn., §198.04(c) (2011) ($72 initial fee and $25 annual fee); Wichita, Kan., Code of Ordinances §6.04.157 (2011) ($25 annual fee).
437. *Supra* note 436 and accompanying text.
438. *Id.*
439. Lincoln, Neb., Mun. Code §6.04.090 (2011).
440. Madison, Wis., Code of Ordinances §9.52 (no date listed).
441. Minneapolis, Minn., Code of Ordinances §70.10(g) (2011).

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7. Slaughtering

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

Several other cities only ban slaughter if a person is killing another's chickens without permission.[449] Chesapeake is particularly concerned with dogs killing chickens. Chesapeake mandates compensation of no more than $10 per fowl, if a dog or hybrid dog kills a chicken.[450]

Finally, several cities stand directly opposed concerning the killing of chickens for animal sacrifice. Chicago's ordinance banning the slaughter of chickens is directed toward chickens killed for animal sacrifice; it provides in the ordinance that this "section is applicable to any cult that kills (sacrifices) animals for any type of ritual, regardless of whether or not the flesh or blood of the animal is to be consumed."[451] Witchita, however, while banning the slaughter of chickens, states that the ordinance does not apply "to the slaughter of animals as part of religious practices."[452] And, Los Angeles expressly allows slaughter both for food and religious purposes.[453]

8. Roosters

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

Many cities, instead of banning roosters altogether impose very large setbacks for roosters, require a larger property size for roosters, or relegate roosters to agriculturally zoned land. Four cities require relatively large setbacks for roosters: Cleveland requires 100-foot setbacks[459]; Kansas City, 300 feet[460]; Oklahoma City, 400 feet[461]; and Glendale, California, requires 500 feet.[462] Wichita will also allow for roosters if they are more than 500 feet from any residentially zoned lot.[463] Three cities require greater

442. Buffalo, N.Y., City Code §341-11.3(d) (2009); Charlotte, N.C., Code of Ordinances §3-102(c)(4) (2010); Chi., ill., Code of Ordinances §17-12-300 (2011); Cleveland, Ohio, Codified Ordinances §347.02(h) (2011); Glendale, Cal., Mun. Code §8.48.020 (2011); Madison, Wis., Code of Ordinances §2809(9)(b)(6) (no date listed); Milwaukee, Wis., Code of Ordinances §78-6.5(3)(b) (2011); Nashville-Davidson, Tenn. Memo from John Cooper, Director Metropolitan Council Office, to All Members of Metropolitan Council (Sept. 1, 2009) (on file with author); Pittsburgh, Pa., Code of Ordinances §911.04.A.2 (2011); Rochester, N.Y., City Ordinances §30-12 (no date listed); Sacramento, Cal., City Code §9.44.860 (2011); San Francisco, Cal., Health Code §37(d)(5) (2011); Wichita, Kan., Code of Ordinances §6.04.175(p) (2011).

443. Chi., ill., Code of Ordinances §17-12-300 (2011) ("No person shall own, keep or otherwise possess, or slaughter any sheep, goat, pig, cow or the young of such species, poultry, rabbit, dog, cat, or any other animal, intending to use such animal for food purposes."); Madison, Wis., Code of Ordinances §2809(9)(b)(6) (no date listed) ("No person shall slaughter any chickens."); Milwaukee, Wis., Code of Ordinances §78-6.5(3)(b) (2011); ("No person shall slaughter any chickens."); Nashville-Davidson, Tenn. Memo from John Cooper, Director Metropolitan Council Office, to All Members of Metropolitan Council (Sept. 1, 2009) (on file with author); Sacramento, Cal., City Code §9.44.860 (2011) ("No hen chickens shall be slaughtered on any developed lot used exclusively for residential purposes."); Wichita, Kan., Code of Ordinances §6.04.175(p) (2011) (prohibiting slaughtering "on residentially zoned lots or lots utilized for residential purposes").

444. Buffalo, N.Y., City Code §341-11.3(d) (2009) ("There shall be no outdoor slaughtering of chicken hens."); Charlotte, N.C., Code of Ordinances §3-102(c)(4) (2010); (providing that any slaughter "shall be done only in a humane and sanitary manner and shall not be done open to the view of any public area or adjacent property owned by another"); Pittsburgh, Pa., Code of Ordinances §911.04.A.2 (2011) ("Killing or dressing of poultry raised on the premises shall be permitted if conducted entirely within an enclosed building.").

445. Cleveland, Ohio, Codified Ordinances §347.02(h) (2011).

446. San Francisco, Cal., Health Code §37(d)(5) (2011).

447. Rochester, N.Y., City Ordinances §30-12 (no date listed).

448. Glendale, Cal., Mun. Code §8.48.020 (2011).

449. Akron, Ohio, Code of Ordinances §92.03 (2011); Austin, Tex., Code of Ordinances §3-2-61 (2011); Phoenix, Ariz., City Code §8-3 (2011).

450. Chesapeake, Va., Code of Ordinances §10-19 (2011).

451. Chi., ill., Code of Ordinances §17-12-300 (2011) (but exempting Kosher slaughtering from this ordinance).

452. Wichita, Kan., Code of Ordinances §6.04.175(p) (2011).

453. L.A., Cal., Mun. Code §53.67 (2011).

454. Buffalo, N.Y., City Code §341-11.1(d) (2009); Colorado Springs, Colo., City Code §6.7.110(A) (2011); Fort Wayne, Ind., Code of Ordinances ch. 157 (2011); Fresno, Cal., Mun. Code §§12-204.11 & 12-205.1 & 12-206.1 (2011); Garland, Tex., Code of Ordinances §22.14 (2011); Las Vegas, Nev., Mun. Code §7.38.050(a)(2) (2011); Lincoln, Neb., Mun. Code §6.04.041 (2011); Long Beach, Cal., Mun. Code §6.20.050 (2011); Miami, Fla., Code of Ordinances §6-1(b)(2) (2011); Madison, Wis., Code of Ordinances ch. 28 (no date listed); Milwaukee, Wis., Code of Ordinances §78-6.5(3)(a) (2011); N.Y.C., Health Code §§161.19(a) & 161.01(b)(11) (1990); Newark, N.J., General Ordinances §6:2-36 (2010); Oakland, Cal., Code of Ordinances §6.04.320 (2011); Phoenix, Ariz., City Code §8-7(c) (2011); Portland, Or., City Code §13.10.010 (2011); Rochester, N.Y., City Ordinances §30-19 (no date listed); Sacramento, Cal., City Code §9.44.860(B) (2011); St. Paul, Minn., §198.03 (2011); St. Petersburg, Fla., Code of Ordinances §4-31(e) (2011); San Jose, Cal., Code of Ordinances §7.60.820 (2007); Santa Ana, Cal., Code of Ordinances §5-6.5 (2011); Seattle, Wash., Mun. Code §23.42.052(c)(2) (2011); Stockton, Cal., Mun. Code §6.04.440 (2011); Tucson, Ariz., Code of Ordinances §4-59 (2011); Wichita, Kan., Code of Ordinances §6.04.171 (2011).

455. Phoenix, Ariz., City Code §8-7(c) (2011). Removing a roosters vocal chords was routinely done by vets many years ago. But because of the extremely high mortality rate (over 50%) most vets will no longer perform this procedure. *See Small and Backyard Flocks*, Ky. U. Ext., http://www.ca.uky.edu/smallflocks/faq.html#Q31 (last visited July 8, 2012).

456. Rochester, N.Y., City Ordinances §30-19 (no date listed); San Jose, Cal., Code of Ordinances §7.60.820 (2007).

457. Sacramento, Cal., City Code §9.44.860(B) (2011).

458. Fort Wayne, Ind., Code of Ordinances ch. 157 (2011).

459. Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(c) (2011).

460. Kansas City, Mo., Code of Ordinances §14-15(f) (2011).

461. Oklahoma City, Okla., Mun. Code §59-9350(c), (d) (2011).

462. Glendale, Ariz., Code of Ordinances pt. II, art. 5 (2010) (multiple provisions in zoning code relating to roosters).

463. Wichita, Kan., Code of Ordinances §6.04.171 (2011).

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acreage for roosters: Cleveland requires at least one acre[464]; Baton Rouge requires two acres[465]; and Fremont California allows one rooster for ½ acre, and two roosters for more than one acre.[466] Three cities, Anaheim, Arlington, and Dallas, relegate roosters to agriculturally zoned land.[467]

Many cities do not ban roosters but have noise regulations that would effectively cause any rooster to be a nuisance, at least a rooster that crows.[468]

Finally, nine cities expressly allow for roosters.[469] Most of these cities, however, limit the number of roosters allowed. Three cities allow for only one rooster.[470] Two cities allow for two roosters.[471] El Paso allows for up to three roosters with a permit.[472] And Riverside allows up to six and only requires a permit to keep seven or more roosters.[473] San Diego and San Francisco allow for unlimited roosters; however, San Francisco animal control authorities stated that they do not recommend that San Franciscans keep roosters due to the number of complaints they have received concerning roosters.[474]

And, winning the award for most eccentric rooster ordinance is the city that allows roosters conjugal visits. While this city is not within the top 100 surveyed, Hopewell Township, New Jersey, as discussed above, allows roosters that are certified disease-free to visit a hen flock for 10 days out of every year.[475]

464. Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(c) (2011).
465. Baton Rouge, La., Code of Ordinances §14-224(b) (2011).
466. Fremont, Cal., Mun. Code §3-5803 (2011).
467. Anaheim, Cal., Mun. Code §18.38.030.050 (2011); Arlington, Tex., Ordinances Governing Animals §5.02(f) (2010); Dallas, Tex., Code of Ordinances §7-7.3 (2011).
468. *E.g.*, Anchorage, Alaska, Code of Ordinances §17.10.015 (2011); Bakersfield, Cal., Mun. Code §6.04.230 (2011); Columbus, Ohio, City Code §2327.14(A) (2011) ("No person shall keep or harbor any animal which howls, barks, or emits audible sounds that are unreasonably loud or disturbing and which are of such character, intensity and duration as to disturb the peace and quiet of the neighborhood or to be detrimental to life and health of any individual."); Corpus Christi, Tex., Code of Ordinances §31-2 (2011); Greensboro, N.C., Code of Ordinances §30-8-11.3(B) (2011) ("No poultry animals that make sounds clearly audible offsite are permitted."); Lexington-Fayette, Ky., Code of Ordinances §4-12 (2011); Nashville-Davidson, Tenn., Mun. Code §8.12.010 (2011) ("It is unlawful for any person to keep any animal, dog, bird or fowl which, by causing frequent or loud continued noise, disturbs the comfort or repose of any person in the vicinity."); Raleigh, N.C., Code of Ordinances §12-5007 (2011); St. Louis, Mo., Code of Ordinances §15.50.040 (2010).
469. Albuquerque, N.M., Code of Ordinances §9-2-4-3 (2011); Birmingham, Ala., Zoning Ordinance §2.4.1 (2007); El Paso, Tex., Mun. Code §7.24.020(B)(1) (2011); Fort Worth, Tex., Code of Ordinances §11A-22(c)(2) (2011); L.A., Cal., Mun. Code §53.71 (2011); Louisville, Ky., Metro Code §91.001 (2011); Riverside, Cal., Code of Ordinances §6.05.010 (2011); San Diego, Cal., Mun. Code §42.0708 (2011); San Francisco, Cal., Health Code §37 (2011).
470. Albuquerque, N.M., Code of Ordinances §9-2-4-3 (2011); L.A., Cal., Mun. Code §53.71 (2011); Louisville, Ky., Metro Code §91.001 (2011).
471. Fort Worth, Tex., Code of Ordinances §11A-22(c)(2) (2011); Birmingham, Ala., Zoning Ordinance §2.4.1 (2007).
472. El Paso, Tex., Mun. Code §7.24.020(B)(1) (2011).
473. Riverside, Cal., Code of Ordinances §§6.05.010 & 6.05.020 (2011).
474. San Diego, Cal., Mun. Code §42.0708 (2011); San Francisco, Cal., Health Code §37 (2011); Interview with San Francisco animal control (on file with author).
475. *NJ Town Limits Conjugal Visits Between Roosters & Hens*, Huffington Post, Apr. 27, 2011, http://www.huffingtonpost.com/2011/04/28/nj-limits-chicken-mating_n_854404.html (last visited July 8, 2012).

V. Model Ordinance

A. *Reasons Behind the Choices in the Model Ordinance*

Because many cities are recognizing that keeping chickens in the city should be allowed, but would like to regulate it properly so that the city can stop any nuisances before they arise, a model ordinance is provided below. Through surveying the ordinances of the most populous American cities, many types of regulatory schemes have already been identified and discussed. While different regulatory schemes may work better for different kinds of cities, depending on the density and variety of their residential, commercial, and industrial neighborhoods, the model ordinance provided should be easy to adapt to any city. First, each section of the model ordinance will be described and the reasons for choosing the regulation will be set out. Then, the model ordinance will be set out in full.

1. Chickens Should Be Regulated in a Unified Ordinance Within the Section Concerning Animals

Most cities regulate chickens within the animal code. This also appears to be the best option for where to place regulations affecting chickens within a city's codified ordinances. This is the natural place for a person to look to see if the city allows chickens. By placing the regulation within the animal code, it also allows for all of the regulations affecting chickens to be in one place. This will help a chicken owner to more easily find and follow the city's law.

If a city still wishes to incorporate zoning restrictions within a chicken ordinance, the city can easily do so within the unified ordinance located within the animal section by restricting chickens to certain zones. And if a city wishes to require a permit to keep chickens, the permit requirement may also easily be placed in a unified ordinance.

2. Chickens Should Be Limited to a Small Flock

A chicken ordinance should allow for at least four chickens. Because chickens are flock animals, they do not thrive when left alone. And, because chickens enforce a dominant social order by harassing new chicks, it is always best to introduce at least two chicks to a new flock. By allowing a minimum of four chickens, the city does not leave a chicken owner in a position of having to leave a hen in a solitary environment if another chicken dies. It also allows the chicken owner to introduce at least two new chicks to an existing flock of two.

The model ordinance sets out a maximum of six chickens. This number is still below the average number of chickens allowed in most cities, but is sufficient to keep a balanced backyard flock. Six hens will allow plenty of eggs for the hen-keepers, while still allowing an owner to keep

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hens that no longer produce many eggs but are still valued by the owner for their companionship.

Cities may want to consider allowing even more chickens. Allowing more chickens will allow owners to keep chickens that are no longer producing eggs. Chicken owners who raise hens for eggs may feel pressured to rid themselves of older hens when they are faced with limitations on their flock.[476] This has raised concerns in some areas that those chickens will burden animal shelters.[477] Allowing a slightly larger flock may help to alleviate any burden.

3. Lot Size Should Not Be Restricted

The majority of cities do not require a specific lot size before a person can keep chickens. Lot size restrictions, moreover, often do little more than prohibit the majority of city residents from keeping hens. The concern that cities are mainly addressing through lot size, that of making sure that chickens are not located too close to neighbors, can better be addressed through setbacks.

For this reason, the model ordinance does not restrict through lot size. If a city has a wide variety of lot sizes, however, a city may wish to allow more hens for larger lot sizes. The city, for instance, can legislate a maximum number of chickens for lot sizes of ½ acre or below, and then increase the number of chickens for larger lot sizes.

4. Setbacks

Because there is a universal concern with keeping chickens too close to neighbors, a setback, rather than lot size, provides the best solution for this concern. A setback actually ensures that the chickens will be kept at an appropriate distance from neighbors without unduly restricting people who own smaller properties from owning chickens. The model ordinance proposes a setback of 25 feet from the doors or windows of any dwelling or occupied structure other than the owner's dwelling. This setback is less than the median setback of 80 feet and the most popular setback of 50 feet, but is in line with the setbacks of many cities that have recently amended their ordinances. A setback of 25 feet is far enough that any noise or odor from the hens should not cause nuisance to the neighbors, while allowing homeowners in smaller properties to keep hens. The addition of requiring the setback to be from doors or windows also allows more flexibility for where a coop can be placed, while still ensuring that it will not annoy neighbors.

Setbacks from a neighboring residence make sense because it can be assumed that no one wants someone keeping any pet, including chickens, very close to their house. A setback from the property line, however, may make less sense depending on where on the property chickens are kept. While a neighbor may be concerned that his neighbor 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.*

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unnecessary in light of the fact that many people keep dog and cat food in bulk, as well as food for their own consumption, without regulations that the food be kept in a rat-proof container. There is no logical basis for the belief that rats will be more attracted to chicken feed than other food. If a city is concerned that feed scattered on the ground will attract rats, instead of legislating a rat-proof container for keeping the feed, a city may be better off following Buffalo's lead by prohibiting feed from being scattered on the ground and requiring chickens to be fed from a trough.

6. Enclosures

The model ordinance provides specific requirements for coops and outdoor runs. It also requires that hens should remain in the coop or outdoor run at all times, except when an adult is directly supervising the hen.

First, the model ordinance requires a covered, predator-proof coop or cage that is well-ventilated and designed to be easily accessed for cleaning. It also requires that the coop provide at least two square feet per hen. Finally, it requires that the birds have access to an outdoor run that is adequately fenced to contain the birds on the property and prevent predators from access to the birds. This ordinance is designed to address the city's concerns with odor, with the chicken's well-being, and with not attracting predators looking for an easy meal. The ordinance allows for only two square feet per hen to give each hen adequate space, but also to allow for a smaller coop size that can help to keep birds warm in the winter. The ordinance avoids giving too many instructions on building a coop that could preclude future innovations in coop design.[478] If the city, however, wants to prohibit coops over a specific dimension, or will waive a building permit for coops under a specific dimension that are not permanent structures, the city can easily insert such a provision here.

The model ordinance also provides that chickens should not be allowed out of their coops, except when supervised by an adult. This addresses a city's concern with chickens running free on the streets while also recognizing that owners will need to remove hens from the coop and run occasionally to clean the areas, to inspect a bird more closely, or to allow a chicken to briefly roam the yard or garden to forage for fresh greens.

7. Slaughtering

The model ordinance prohibits slaughtering chickens outdoors. Because many people are concerned that neighbors or neighbors' children will accidentally witness a bird being killed and are also concerned with the lack of hygiene in backyard butchering, this regulation is included in the ordinance. Also, because most backyard hen enthusiasts are raising hens for eggs and companionship, and not for meat, most will not object to this regulation.

8. Roosters

The model ordinance prohibits roosters. It does so because roosters are noisy and are much more likely to bother neighbors than hens. Because, as discussed above, most backyard hen enthusiasts are interested in eggs, and roosters are not necessary to egg production, prohibiting roosters will not likely meet with much objection.

Because bringing in a rooster on occasion can help to cheaply and easily propagate a flock, cities may explore rooster "conjugal visits," like Hopewell township has done. While the township's regulation attracted press because of its eccentricity, it was a thoughtful solution to the practical effects of banning roosters. Most hen owners, however, are willing to add to their flocks through other means where they can be better assured of procuring only female fowl.

9. Permits

The model ordinance, following the ordinances of many other cities, does not require a permit, as long as the ordinance is followed. Because chickens are novel to many communities, city officials naturally want to closely monitor how well owners are maintaining their flocks. But, regulating through a permitting or licensing process, dedicating a city official to overseeing it, and maintaining the records that such a process will require appears to be an inefficient use of city resources. It is also expensive for owners to pay permitting fees on an annual basis and is a barrier to entry to keeping chickens to those with low or modest incomes. The fees that some cities charge, over $50 annually, effectively prohibit poorer people from owning chickens.

The permitting process, moreover, does not necessarily give the city more control. If the city prohibits hens unless its ordinance is followed, it can enforce its laws in the same way that it enforces its laws against errant dog, cat, or bird owners. Requiring a permit, thus, appears to provide an unnecessary, inefficient, and expensive layer to the process of legalizing hens.

The model ordinance does require a permit, however, if the chicken owner puts forth a proposal for why she should not have to comply with the city's regulations—for instance if the owner wishes to keep more than the maximum amount of hens, wishes to keep hens in a multi-family dwelling, wishes to keep hens on a parcel of land that is unconnected to a dwelling, or wishes to keep a rooster.

478. Many companies sell commercially made coops, runs, and chicken tractors (portable enclosed structures that allow the owner to move the chickens around the yard) with novel designs. *See, e.g.*, *Say Hello to the Brand New Eglu Go*, Omlet, http://www.omlet.us/products_services/products_services.php?cat=Eglu+Go (last visted 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=CKXzvd2ruLECFeEDQAodcCIAkw (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).

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This permit is set up to allow people to keep chickens within setbacks, or to allow for more intensive chicken-keeping for urban agricultural uses, perhaps on an urban farm or market garden. As urban agriculture gains support and becomes more prevalent in the city, this will allow for people who wish to keep more chickens, or keep a rooster, as part of a market garden a set path for doing so without seeking to amend the ordinance. The permit process is designed to allow for more flexibility within the ordinance, while still laying down firm standards that all chicken owners must follow.

B. Model Ordinance

Below is a model ordinance designed for a city to either adopt or use as a starting point when deciding whether to allow hens in the city and how to regulate them:

(a) Purpose. The following regulations will govern the keeping of chickens and are designed to prevent nuisances and prevent conditions that are unsanitary or unsafe. No person shall keep chickens unless the following regulations are followed:

- **a. Number**. No more than six (6) hens shall be allowed for each single-family dwelling.
- **b. Setbacks**. Coops or cages housing chickens shall be kept at least twenty-five (25) feet from the door or window of any dwelling or occupied structure other than the owner's dwelling. Coops and cages shall not be located within five (5) feet of a side-yard lot line, nor within eighteen (18) inches of a rear-yard lot line. Coops and cages shall not be located in the front yard.
- **c. Enclosure**. Hens shall be provided with a covered, predator-proof coop or cage that is well-ventilated and designed to be easily accessed for cleaning. The coop shall allow at least two square feet per hen. Hens shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the property and to prevent predators from access to the birds. Hens shall not be allowed out of these enclosures unless a responsible individual, over 18 years of age, is directly monitoring the hens and able to immediately return the hens to the cage or coop if necessary.
- **d. Sanitation**. The coop and outdoor enclosure must be kept in a sanitary condition and free from offensive odors. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste.
- **e. Slaughtering**. There shall be no outdoor slaughtering of chickens.
- **f. Roosters**. It is unlawful for any person to keep roosters.

(b) Permit. A permit shall not be required if the above regulations are followed. If a person wishes to keep more than the maximum allowed number of hens, wishes to keep hens within the setback required, wishes to keep hens in a multi-family dwelling, wishes to keep hens on a parcel of land that is unconnected to a dwelling, or wishes to keep a rooster, a permit will be required. An application for a permit must contain the following items:

- **a.** The name, phone number, and address of the applicant.
- **b.** The size and location of the subject property.
- **c.** A proposal containing the following information.
  - **i.** The number of hens the applicant seeks to keep on the property.
  - **ii.** A description of any coops or cages or outdoor enclosures providing precise dimensions and the precise location of these enclosures in relation to property lines and adjacent properties.
  - **iii.** The number of roosters the applicant seeks to keep on the property.
- **d.** If the applicant proposes to keep chickens in the yard of a multi-family dwelling, the applicant must present a signed statement from any and all owners or tenants of the multi-family dwelling consenting to the applicant's proposal for keeping chickens on the premises.
- **e.** If the applicant proposes to keep more chickens than allowed in the above ordinance or wishes to keep a rooster, the applicant must present a signed statement from all residents of property adjacent to or within 50 feet of the applicant's property consenting to the applicant's proposal for keeping chickens on the premises. If the applicant proposes to keep chickens within a required setback, the applicant must present a signed statement from all residents of the property affected by that setback.

(c) Permit Renewal. Permits will be granted on an annual basis. If the city receives no complaints regarding the permit holder's keeping of chickens, the permit will be presumptively renewed and the applicant may continue to keep chickens under the terms and condition of the initial permit. The city may revoke the permit at any time if the permittee does not follow the terms of the permit, if the city receives complaints regarding the permit holder's keeping of chickens, or the city finds that the permit holder has not maintained the chickens, coops, or outdoor enclosures in a clean and sanitary condition.

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Legal Studies Research Paper Series

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

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Dean and Professor of Law

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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[1] search for more "green living" and a diet of fresh, locally grown and raised food.[2] In addition to producing eggs and meat, chickens provide the valuable service of eating garden pests and kitchen scraps.[3] They are relatively inexpensive, and do not need a particularly large area of space.[4] Some people have also started to welcome chickens into their homes and yards as domesticated pets.[5] Longmont, Colorado offers a good illustration of the growing interest in raising backyard chickens, as the municipality has issued 72 permits to keep them, and maintains a waiting list of 100 more requests.[6] Hundreds of other cities across the country, including Austin, Nashville, St. Louis, Tulsa, New York, Seattle, Portland, Houston and San Francisco, as well as smaller towns and villages, have permitted the keeping of chickens in residential neighborhoods,[7] and changes have been proposed in other cities, including Lafayette, Colorado;[8] Batavia, Illinois;[9] Albany, New York;[10] and North Salt Lake, Utah.[11] Although some communities have welcomed backyard chickens, others have expressed overwhelming opposition.[12] People who criticize efforts to allow chickens in neighborhoods worry that property values will plummet,[13] that chickens will create foul odors and noise, and that they will attract coyotes, foxes, and other pests.[14] Efforts to allow chickens have recently been defeated in Springville, Utah,[15] and Grand

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Rapids, Michigan,[16] and in February of this year, officials in Ludlow, Kentucky have bucked the trend as they announced efforts to amend their local laws to effectively prohibit the keeping of backyard chickens.[17]

Although some communities have welcomed backyard chickens, others have expressed overwhelming opposition.

Favoring locally grown foods, while popular today, is not new. Early settlers were self-sustaining farmers, and while the era of industrialization may have altered farming patterns, Americans tried to reclaim some self-sufficiency during both World War I and World War II, with the implementation of victory gardens.[18] The federal government encouraged these efforts to reduce food shortages, and by 1943 the country's 20 million victory gardens reportedly produced eight million tons of food.[19] Food gardens surged in popularity again in the 1960s and 1970s through the "back to the land" movement, as environmentally conscientious consumers became aware of the pesticides, fertilizers, and other potentially dangerous chemicals used for industrial agricultural production.[20] Economic, environmental, and philosophical issues have recently renewed the public's interest in home-based food production, community gardens, and local sourcing.[21] With respect to chickens, the zoning ordinance of Cherokee County, Georgia explains that "[t]he keeping of hens supports a local, sustainable food system by providing an affordable, nutritious food source of fresh eggs. The keeping of hens also provides free nitrogen-rich fertilizer; chemical-free pest control; animal companionship and pleasure; and weed control, among other notable benefits."[22] While it is true that the impetus for the growing backyard chicken movement is owing primarily to the local and regional foodshed movement, the internet and the newspapers boast stories and posts about urban dwellers who simply enjoy keeping chickens as pets, and others who have taken an interest in raising chickens specifically for 4-H showings and other agricultural competitions.

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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.

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[23] and regulates various aspects regarding the sale, transport and slaughter of chicken and egg products under the Poultry Products Inspection Act[24] and the Egg Products Inspection Act.[25] Although most people who own only a few birds are exempt from the regulations,[26] these laws still prohibit the adulteration and misbranding of poultry and egg products, regardless of exemption status.[27] Therefore, those who raise chickens in order to sell eggs and poultry at local farmers' markets must comply with the federal regulations. Additionally, while the Center for Disease Control has no direct regulatory authority over backyard chicken farmers, the agency provides safety tips to prevent exposure to salmonella or campylobacter, bacteria that cause mild to severe gastrointestinal illness in humans and are associated with chickens.[28]

People who own chickens for personal use are often exempted from state licensing and inspection requirements as well.[29] However, state regulations regarding avian diseases usually apply to all chicken owners, regardless of the size of their flocks and whether the birds are kept for food or as pets.[30] Additionally, health and safety statutes often apply to egg sales and may cover people who own small flocks and wish to sell eggs at farmers' markets or to local restaurants. In Texas, for example, "A vendor must obtain a permit . . . to sell yard eggs at a farmers market. The eggs must be stored at a temperature of 45° Fahrenheit or less. The egg cartons or other containers must be labeled as 'ungraded' and provide the producer's . . . name and address."[31] Kentucky requires retail and wholesale egg sellers to obtain a license, but exempts producers who sell directly to consumers and sell no more than 60 dozen eggs per week.[32] Chicken owners in Alabama who sell eggs from their homes or farms are not required to obtain a license, but if they transport their eggs to farmers' markets, then they must follow the Alabama Shell Egg Law.[33] Other states exempt small-scale egg sellers from licensing regulations and handling requirements. In Michigan, for example, the egg law does not apply to people who sell eggs of their own production directly to consumers or first receivers,[34] and in Oregon, "eggs may be sold at farmers' markets or roadside stands without an egg handler's license and without labeling."[35]

Sales of poultry from small-scale producers may also be subject to health and safety regulations regarding slaughter and handling. In Michigan, poultry producers who sell fewer than 20,000 poultry per year must have their birds processed at a plant inspected by either the USDA or the state department of agriculture,[36] while in Oregon, all poultry must be USDA inspected and slaughtered at a USDA plant. The Oregon Department of Agriculture also licenses custom slaughter and processing operations, but these licenses do not allow retail sales and are primarily intended to allow persons to consume home-raised meat.[37]

Various other regulations may affect backyard chicken owners. In New York, it is illegal to keep chickens and other livestock on apartment building premises unless the use is specifically permitting by local regulations.[38] A similar law in Michigan prohibits the keeping of chickens on any dwelling lot, except under appropriate regulations, in cities and villages with more than 10,000 residents.[39] Additionally, all states prohibit or criminalize chicken fighting,[40] and some prohibit chicken owners from using dye to change the birds' colors,[41] a practice that is apparently popular to produce multi-colored chicks for Easter.[42]

III. Nuisance Law and Restrictive Covenants

Over the years, courts have had the opportunity to determine whether various impacts associated with the keeping of chickens can constitute a nuisance. In an early case decided in Louisiana, it was held that rooster crowing is not a nuisance per se.[43] The neighbor in the case cited a loss of sleep and physical discomfort caused by early morning crowing, which produced nervousness and potential

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physical and mental disorders. In applying the reasonable person test, the court asked whether "such a condition . . . in the judgment of reasonable men is naturally producing of actual physical discomfort to normal persons of ordinary sensibilities and of ordinary tastes and habits," and found that the crowing was not a nuisance, but rather a symbol of "good cheer and happiness."[44] However, keeping an excessive number of chickens may be deemed a nuisance if the noise or odors would offend persons of ordinary sensibility.[45] Where neighbors were inundated by noise from a rooster farm, an Ohio appeals court remarked that the noise—which disrupted the plaintiffs' sleep, forced them to keep their windows sealed at all times, and prevented them from inviting guests to their home—could be distinguished from "typical sounds of the country[.]"[46] The court concluded that the amount of noise created by the roosters was greater than that which is reasonably anticipated in the countryside and ordered the defendants to keep less than six roosters.[47]

Even a small number of chickens or roosters may be considered a nuisance, depending on the character of the neighborhood and the amount of noise they produce.

Even a small number of chickens or roosters may be considered a nuisance, depending on the character of the neighborhood and the amount of noise they produce. St. Louis, Missouri, has designated the keeping of more than four chickens within city limits a public nuisance.[48] Roosters are especially likely to create nuisances. In a Minnesota case, a woman living in St. Paul was convicted for keeping a rooster in her house without the requisite municipal permit. The court found that the health officer was justified in denying her permit request and upheld the conviction, as the numerous complaints from neighbors regarding the bird's frequent crowing at inconvenient hours demonstrated that it was a nuisance.[49] The same woman was cited again several years later for keeping her rooster in a St. Paul suburb. The ordinance under which she was charged prohibited the "raising or handling of livestock or animals causing a nuisance," but the court reversed her conviction because it determined that a rooster was not livestock.[50] In a Hawaii case, the court reversed on procedural grounds three convictions sustained by the defendant for keeping a rooster in violation of an animal nuisance ordinance.[51]

Because chickens tend to create odors and noise, even if these do not rise to the level of a nuisance, the keeping of chickens is often prohibited by restrictive covenants and homeowners' associations. In one case, homeowners who raised chickens on their property were found to be in violation of covenants prohibiting poultry and poultry houses. Because the covenant clearly prohibited "poultry of any kind," the court rejected the homeowners' contention that their birds were "pets" and not "poultry."[52] In a similar case, it was explained that "the clear intent expressed in the covenants as a whole is to create a desirable, pleasant residential area. It is clear that the exception as to pets was intended to limit the ownership of animals upon the property to that normally associated with residential, family living. We do not consider it in character with a planned residential community for a person to maintain a flock of 21 assorted poultry on his property."[53] The city of Homewood, Alabama recently amended its code to provide, "It shall be unlawful for any person to keep, harbor, or possess any chicken, duck, goose, turkey, guineas or other fowl within the city, except . . . [u]nder circumstances where no noise, odor, or pollution violation or nuisance is occasioned thereby,"[54] perhaps leaving it open to interpretation as to what exactly would constitute a nuisance with backyard chickens.

IV. Using Zoning and Other Local Controls to Regulate Backyard Chickens

State and federal statutes regulating chicken raising focus mainly on food safety and disease prevention, leaving local governments the ability to regulate the location and intensity of residential chicken raising, as well as the physical aspects of chicken coops. Many communities across the country have enacted zoning and land use measures to effectively balance the desire to maintain small numbers of poultry for food or pets against concerns relating to noise and odors. Some of the common issues covered by local ordinances include limits on the number of birds, setbacks for coops and pens, requirements for neighbor consent, restrictions against roosters, requirements for proper feed storage, and pest control provisions.

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Structures constructed for the housing of chickens, such as coops or fences, are also subject to zoning rules pertaining to cage size, height, and materials. Local laws may also include requirements for inspections by code enforcement officers, especially in the event of a complaint, as well as penalties for violations.

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

Because of their noisy habits, roosters are prohibited under some residential chicken laws.[55] In Stamford, Connecticut, residents may keep roosters, but only so long as their crowing is not "annoying to any person occupying premises in the vicinity." It is clear that local ordinances vary widely in approach to meet the particular challenges of a given community. What follows are examples of specific existing local approaches to regulating urban chickens.

A. Permits

It is not uncommon for municipalities to regulate residential chicken raising through licensing and permitting laws. An ordinance in Ann Arbor, Michigan, allows residents to apply for a permit to keep up to four "backyard chickens." The permit costs $20 and requires proof of consent by adjacent neighbors.[56] Similarly, residents of Charlotte, North Carolina, may apply for a permit to have "chickens, turkeys, ducks, guineas, geese, pheasants, pigeons or other domestic fowl[.]" Before a permit may be issued, a city employee must inspect the premises and determine that keeping the desired fowl will not "endanger the health, safety, peace, quiet, comfort, enjoyment of or otherwise become a public nuisance to nearby residents or occupants or places of business."[57] In Knoxville, Tennessee, city residents may apply for an annual permit to keep up to six hens on their property. They must also obtain a building permit for any henhouse or chicken pen.[58] In Salem, Oregon, residents are required to obtain a license, valid for up to three years, at a cost of $50 per year.[59] The City of Adair Village, Oregon, which charges $10 for a permit, requires applicants to initial on the application that the space intended to house backyard chickens is currently in accordance with sight-obscuring fence and setback requirements, and that the chicken coop and fenced chicken area enclosure is in accordance with the square footage size and sanitation maintenance standards associated with backyard chickens. Applicants also have to acknowledge the requirement that chickens must be shut into their coops from sunset to sunrise, and otherwise remain protected from natural predators, and they must attest to having read the backyard chicken information sheet provided by the city.[60]

B. Neighbor Consent

A number of municipalities require consent of neighbors before permits will be issued for backyard chickens. For example, in Ann Arbor, Michigan, neighbors are asked to complete the Adjacent Neighbor Consent Form, and "[n]o permit shall be issued . . . and no chickens shall be allowed to be kept unless the owners of all residentially zoned adjacent properties . . . consent in writing to the permit."[61] Similar consent requirements have been enacted in Brainerd, Minnesota.[62] In Mankato, Minnesota, consent is required not only from abutting owners, but also from three-fourths of the residents living within 300 feet of the proposed chicken coop.[63] Under the regulations enacted in Durham, North Carolina, a neighbor's objection can warrant an administrative review.[64] And in Longmont, Colorado, nonconforming coops located six feet from the property line must obtain the neighbors' approval. Longmont also requires neighbors' consent for free-ranging chickens.[65]

C. Keeping Chickens for Personal Use

Backyard chicken ordinances often limit residents to keeping chickens for personal use, and prohibit them from selling eggs or poultry on-site. For example, the zoning regulation in Portland, Maine, provides that its purpose is "to enable residents to keep a small number of female chickens on a non-commercial basis while creating standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept."[66] In San Francisco, residents are also prohibited from raising or breeding chickens for commercial purposes, and chicken operations that qualify as commercial are subject to different regulations.[67] In addition to al-

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lowing up to seven backyard chickens for personal egg consumption, Houston allows residents to keep show chickens intended purely for public exhibition.[68] In Windsor Heights, Iowa, no more than two chickens are allowed and they must be kept in a pen or coop at all times.[69]

D. Backyard Chickens Permitted as Accessory Uses

In Larimer County, Colorado, up to six backyard chickens are permitted as a residential accessory use. They must be provided with appropriate shelter and have access to a fenced outdoor enclosure no larger than 120 square feet.[70] Seattle, Washington also allows chickens in residential districts as accessory uses.[71] If chickens are not specifically permitted in a residential district, a homeowner can also try to receive approval for them as an accessory use.[72] This tactic has been successful in some cases involving farm animals and agricultural structures,[73] but the courts have not tended to accept chickens as residential accessory uses.[74] As backyard chickens become more commonplace, however, they may be more likely to be treated as a use customarily found in connection with residential uses.

E. Minimum Lot Size and Setback Requirements

Rather than setting a limit on the number of chickens allowed, a number of municipalities set minimum lot size and setback requirements for keeping chickens in the backyard. This approach can serve a number of purposes: it can bar chickens from particularly dense neighborhoods, prevent residents from keeping large flocks, and ensure that chickens have enough space to live comfortably. However, if such requirements are too restrictive, they may create obstacles to chicken raising in neighborhoods otherwise suited for that use. The 150-foot setback required in Concord, New Hampshire, for example, effectively limits backyard chicken raising to single-family homes on large lots.[75] Minimum lot size requirements for chickens vary. In Grand Rapids, Minnesota, only one chicken is permitted per 2,500 square feet of lot size,[76] while in Pima County, Arizona, 24 chickens may be kept per 8,000 square feet of lot space in single-family zones.[77] In Hayden, Idaho, up to ten chickens "may be kept on premises containing a minimum of three-fourths (3/4) acre of securely fenced, irrigated open space, exclusive of a homesite, and containing at least one acre in total[.]"[78]

Setbacks also vary. Little Rock, Arkansas has a 25-foot setback requirement,[79] while Topeka, Kansas,[80] and Stamford, Connecticut,[81] have 50-foot setback requirements. Setbacks are often measured from other residential uses or districts, or uses that could be sensitive to nearby chickens. In Sacramento, for example, a chicken coop may not be located "nearer than seventy-five (75) feet to any building or structure on adjacent property used for dwelling purposes, food preparation, food service, school, hotel or as a place of public assembly."[82] In Lenexa, Kansas, chickens are subject to minimum lot size requirements and coops must also be set back at least 100 feet from any adjacent building (except the owner's), 100 feet from any front lot line, and 25 feet from any side or rear lot line.[83] Chicken coops in Atlanta, in addition to being set back at least 50 feet from any neighboring residence or business, must also be set back at least five feet from the owner's residence.[84]

F. Chicken Coop Design, Site Placement, Materials and Maintenance

Local laws permitting backyard chickens often regulate the size, height, and site placement of chicken coops and pens, as well as requiring them to be adequately cleaned and safeguarded from predators. For example, the city of Knoxville, Tennessee, requires that hens be kept inside a fenced enclosure at all times during the day and secured inside a coop during non-daylight hours. If the fenced enclosure is not covered, then it must be at least 42 inches high and the hens' wings must be clipped. A building permit is required for construction of a coop, which must be made of uniform materials, have a roof and doors that can be tightly secured, be properly ventilated, and have adequate sunlight.[85] In Atlanta, Georgia, chicken coops must have solid floors made out of cement or another washable material, unless the enclosure is more than 75 feet away from the nearest neighbor's residence or business.[86] The size of coops and fenced enclosures is often determined by the number of hens kept in the flock. In Knoxville[87] and Atlanta,[88] coops must give each chicken at least two square feet of space. Mobile, Alabama, requires four feet of space per chicken in chicken houses,[89]

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while at least six square feet of space per chicken is required in Concord, New Hampshire coops.[90]

Maintenance laws are also common. In Baton Rouge, for example, "[a]ll enclosures shall be cleaned regularly to prevent an accumulation of food, fecal matter, or nesting material from creating a nuisance or unsanitary condition due to odor, vermin, debris, or decay."[91] The New York City Health Code requires coops to be "whitewashed or otherwise treated in a manner approved by the Department at least once a year . . . in order to keep them clean."[92]

G. Special Use Permits

Some communities allow for the keeping of urban chickens subject to a special use permit. This permits the municipality to assess the particular impacts of a given application on the character of the neighborhood. The zoning ordinance for Overland Park, Kansas requires that people wishing to keep chickens on less than three acres must apply for a special use permit.[93] Recently, in Jamestown, New York, the zoning board of appeals approved a special use permit based on the following conditions and restrictions: No more than ten hens would be housed on the property at any one time; no roosters would be housed on the property; a fence would be placed around the border on the property line; no slaughtering of chickens would be permitted; chickens would be in the coops from approximately dusk to dawn; and no storage of chicken manure would occur within 20 feet of the property line.[94] The permit was granted for one year, at the end of which time the property owners would be required to appear before the board for review and potential renewal of the permit.[95] In Leadville, Colorado, the Council recently issued a conditional use permit for the keeping of six chickens on residential property with the following conditions imposed: the special use shall not run with the land, but will sunset when the applicant no longer occupies the premises; that fresh water will be available for the chickens at all times; and that all representations made by the applicant and relied upon by the Planning and Zoning Commission and/or the City Council in evaluating the Conditional Use Permit shall be deemed a part of the application and binding upon the applicant.[96]

H. Slaughter

Abattoirs and slaughtering are restricted or prohibited in many cities, and they may also be subject to federal and state regulations, as discussed above. Some cities, such as Rogers, Arkansas,[97] and Buffalo, New York,[98] prohibit slaughtering outside. Madison, Wisconsin,[99] and Knoxville, Tennessee,[100] prohibits chicken slaughtering in residential districts, while Chicago allows slaughtering only by licensed slaughtering establishments.[101] In San Francisco, slaughtering must be carried out in a separate room, away from any chickens.[102] Most of the ordinances and zoning provisions addressing the slaughtering of chickens apply to larger commercial operations, and ordinances relating to urban chickens are quiet on this matter.

V. Conclusion

The bottom line is that this is no "Chicken Little" story, and if chicken lovers are not present in your community today, chances are they are coming soon. In addition to significant websites and blogs[103] 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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Washington Post, May 14, 2009, http://www.washingtonpost.com/wp-dyn/content/article/2009/05/13/AR2009051301051.html (visited February 2011); William Neuman, Keeping Their Eggs in Their Backyard Nests, The New York Times, Aug. 3, 2009, available at: http://www.nytimes.com/2009/08/04/business/04chickens.html?_r=1 (visited February 2011); Katherine Houstoun, The Backyard Chicken Movement, Richmond.com, http://www2.richmond.com/lifestyles/2010/jun/16/backyard-chicken-movement-ar-592398 (visited February 2011). There has been some skepticism, however, over the booming popularity of backyard chickens. Jack Shafer, Bogus Trend of the Week: Raising Backyard Chickens, Slate, May 14, 2009, http://www.slate.com/id/2218390/ (visited February 2011).

3. Mary MacVean, Victory Gardens Sprout Up Again, Los Angeles Times (January 10, 2009), available at: http://articles.latimes.com/2009/jan/10/home/hm-victory10/2 (visited February 2011).
4. Amy Eddings, What the Cluck?! Backyard Chicken-Keeping Booming in New York City, WNYC, Jul. 8, 2010, http://www.wnyc.org/articles/wnyc-news/2010/jul/08/what-the-cluck-backyard-chicken-keeping-booming-in-new-york-city/ (visited February 2011).
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28. See http://www.cdc.gov/Features/SalmonellaPoultry/ and http://www.cdc.gov/healthypets/pdf/intown_flocks.pdf.
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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.slpl.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) (prohibiting the keeping of any livestock, including fowl, within city limits, except in areas specifically zoned for that purpose).
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72. See, e.g., Xi Yu, Chicken and Duck Owners in Cambridge Lose Appeal, The Harvard Crimson, Feb. 12, 2010.
73. See, e.g., Simmons v. Zoning Bd. of Appeals of Newburyport, 60 Mass. App. Ct. 5, 798 N.E.2d 1025 (2003) (stabling three horses found not to be "agricultural," but permitted as an accessory residential use); Anderson v. Board of County Com'rs of Teton County, 2009 WY 122, 217 P.3d 401 (Wyo. 2009) (upholding the board's determination that a barn/equestrian center was an accessory residential structure).
74. See, e.g., De Benedetti v. River Vale Tp., Bergen County, 21 N.J. Super. 430, 91 A.2d 353 (App. Div. 1952) ("Certainly, chicken houses could not be considered as accessory to, or complementary to, the main building of plaintiffs' premises, which is the dwelling house."); Lawrence v. Zoning Bd. of Appeals of Town of North Branford, 158 Conn. 509, 264 A.2d 552 (1969) (holding that the board did not act illegally or arbitrarily in determining that the raising of chickens and goats was not an accessory use to residential property located in the center of town under an ordinance permitting accessory uses customarily incidental to uses in rural residential and agricultural districts).
75. Code of Ordinances, City of Concord, New Hampshire Title IV Chapter 28(4)(28); see http://library.municode.com/index.aspx?clientId=10210&stateId=29&stateName=New%20Hampshire (visited February 2011).
76. Grand Rapids, MN Code § 10-72; see also http://www.facebook.com/note.php?note_id=134300076826 (visited February 2011).
77. Pima County Code of Ordinances, § 18.25.010; see http://library.municode.com/html/16119/level2/TIT18ZO_CH18.25SIREZO.html (visited February 2011).
78. http://sterlingcodifiers.com/codebook/getBookData.php?section_id=600663 (visited February 2011).
79. Little Rock City Code, Little Rock, Arkansas Chapter 6 Article 4(44); see http://library.municode.com/index.aspx?clientId=11170&stateId=4&stateName=Arkansas (visited February 2011).
80. Municipal Code of Topeka, Kansas Title 6 §40; see http://www.codepublishing.com/KS/Topeka/ (visited February 2011).
81. Code of the City of Stamford, Connecticut §111-6; see http://library2.municode.com/default-test/home.htm?infobase=13324&doc_action=whatsnew (visited February 2011).
82. Sacramento Code §9.44.340, http://www.qcode.us/codes/sacramento/view.php?topic=9-9_44-iii-9_44_360&frames=on (visited February 2011).
83. Lenexa Code § 3-2-H-1, http://www.ci.lenexa.ks.us/LenexaCode/codetext.asp?section=003.002.008 (visited February 2011).
84. City of Atlanta, GA Zoning Code, http://library.municode.com/index.aspx?clientId=10376&stateId=10&stateName=Georgia Art. II sec. 18-7 (visited February 2011).
85. Code of Ordinances, City of Knoxville, Tennessee, Part 2 Chapter 5 Article IV § 5-107 (http://library.municode.com/index.aspx?clientId=11098&stateId=42&stateName=Tennessee&customBanner=11098.jpg&imageclass=L&cl=11098.txt).
86. City of Atlanta, GA, Zoning Code, http://library.municode.com/index.aspx?clientId=10376&stateId=10&stateName=Georgia Art. II sec. 18-7 (visited February 2011).
87. Code of Ordinances, City of Knoxville, Tennessee, Part 2 Chapter 5 Article IV § 5-107 (http://library.municode.com/index.aspx?clientId=11098&stateId=42&stateName=Tennessee&customBanner=11098.jpg&imageclass=L&cl=11098.txt) (visited February 2011).
88. City of Atlanta, GA., Zoning Code, http://library.municode.com/index.aspx?clientId=10376&stateId=10&stateName=Georgia Art. II sec. 18-7 (visited February 2011).
89. http://search.municode.com/html/11265/level4/CICO_CH7ANFO_ARTIVLIPO_DIV2PO.html (visited February 2011).
90. Code of Ordinances, City of Concord, New Hampshire Title IV Chapter 28(4)(28) (http://library.municode.com/index.aspx?clientId=10210&stateId=29&stateName=New%20Hampshire).
91. Baton Rouge Code §14:224 (c)(1) (http://library.municode.com/index.aspx?clientId=10107&stateId=18&stateName=Louisiana).

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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-hith.htm&2.0 (visited February 2011).
94. Geoff Campbell, Zoning Board Rejects In-Law Apartment, Approves Chicken Coops, The Jamestown Press (Nov. 4, 2010), available at: http://www.jamestownpress.com/news/2010-11-04/News/Zoning_Board_rejects_inlaw_apartment_approves_chic.html (visited February 2011).
95. Geoff Campbell, Zoning Board Rejects In-Law Apartment, Approves Chicken Coops, The Jamestown Press (Nov. 4, 2010), available at: http://www.jamestownpress.com/news/2010-11-04/News/Zoning_Board_rejects_inlaw_apartment_approves_chic.html (visited February 2011).
96. See, Minutes of the Leadville Planning and Zoning Commission Joint Meeting, July 6, 2010, available at: http://www.cityofleadville.com/reports/PZMinutes/2010PZMinutes/20100706AppMinutes.pdf (visited February 2011).
97. Rogers, Arkansas Ordinance No. 06-100, http://www.rogersarkansas.com/clerk/chkordinance.asp (visited February 2011).
98. Buffalo Code § 341-11.3(D), http://www.ecode360.com/?custId=BU1237 (visited February 2011).
99. Madison, Wisconsin Code § 28.08(2)(b)8.j.ii), http://library.municode.com/index.aspx?clientId=50000&stateId=49&stateName=Wisconsin (visited February 2011).
100. Knoxvile 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 (visited February 2011).
102. San Francisco Code, http://library.municode.com/index.aspx?clientId=14136&stateId=5&stateName=California (visited February 2011).
103. See for example, The City Chicken at http://home.centurytel.net/thecitychicken/index.html; and Backyard Chickens at: http://www.backyardchickens.com (visited February 2011).

OF RELATED INTEREST

Discussion of matters related to the subject of the above article can be found in:

Salkin, American Law of Zoning § 18:10

Zeigler, Rathkopf's The Law of Zoning and Planning § 33:16

Keeping Poultry as Nuisance, 2 A.L.R.3d 965

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CITY OF BATAVIA

CHICKEN AND COOP REQUIREMENTS

City of Batavia
Building Division
Community Development Department
100 North Island Avenue
Batavia, Illinois 60510
Tel: (630)454-2700
Fax: (630) 454-2775
http://www.cityofbatavia.net

Please direct all questions to the City of Batavia Building Division of the Community Development Department, Monday through Friday from 8 AM to 5 PM at (630) 454-2700.

This is a summary of the City of Batavia Ordinances allowing chickens and chicken coops. This is intended to interpret and explain the ordinances but does not represent or replace the actual ordinance language. Every effort has been made to ensure the accuracy and timeliness of this information. 12/04/15

Requirements for the keeping of hens and coops

- A maximum of eight (8) domestic hens shall be kept on a property that is zoned and occupied for single family residential use, or zoned PFI Public Facilities and Institutional and occupied by Schools, Public and Private only.
- The keeping of roosters and the slaughter of any chickens is prohibited.
- Hens shall be provided with a covered inside enclosure and adjacent covered outside fenced area. The outside area shall not be less than 32 square feet in area.
- For all properties, enclosures and the adjacent occupied fence area shall be setback a minimum of thirty (30) from any adjacent occupied residential structure, other than that of the owner; but not less than the minimum property line setback required for accessory structures in the Zoning District. Additionally for PFI zoned properties, the enclosures and adjacent occupied fenced area shall be set back a minimum of one hundred and fifty feet (150') from all streets and located not between the principal structures and adjacent streets
- All enclosures shall be constructed and maintained in manner to be free of rodent infestation.
- A building permit is required for all enclosures. The permit fee is the same as a shed permit.

Requirements for the keeping of hens and coops (Continued)

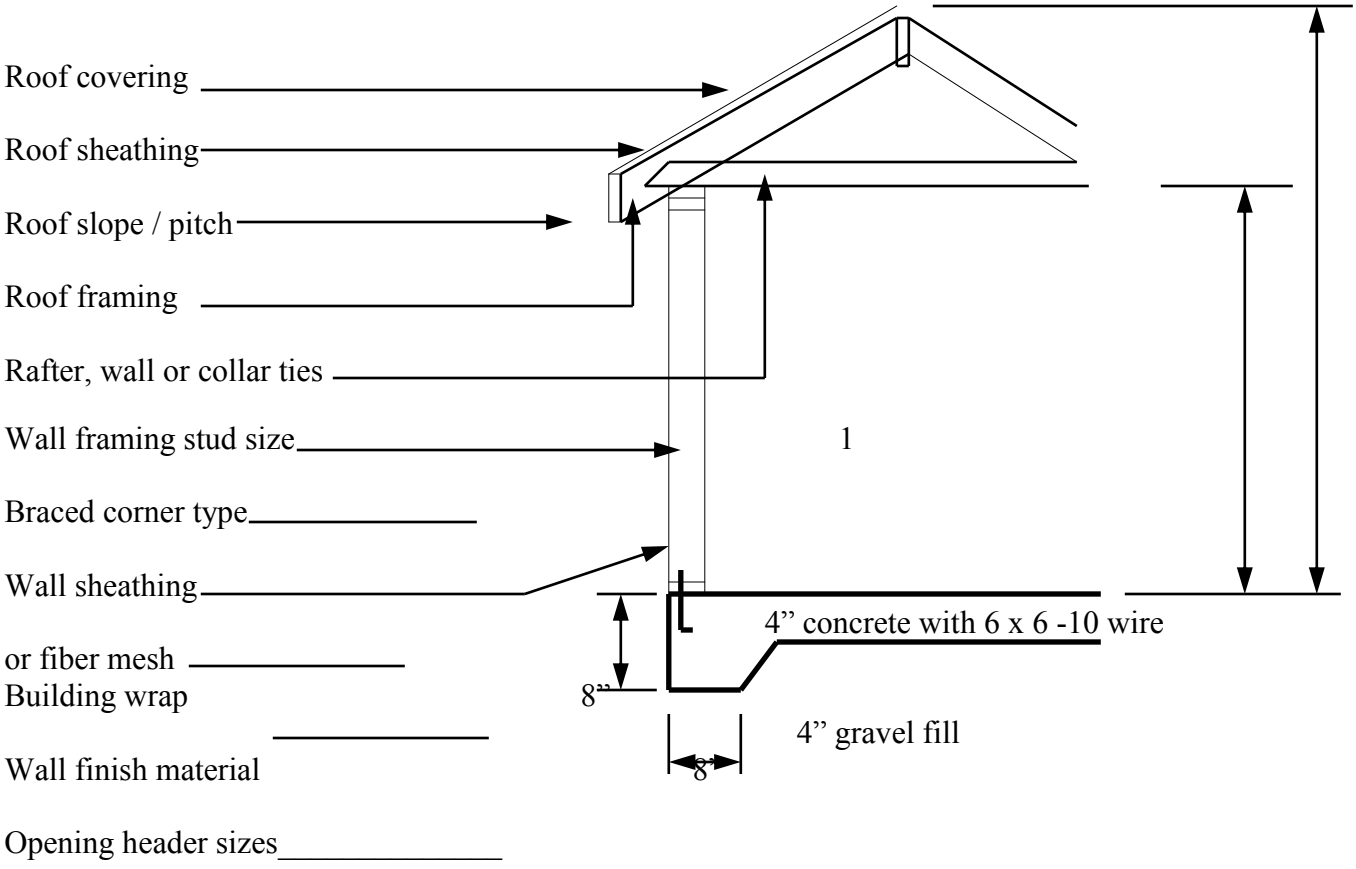
- Electric service to enclosures shall not be provided by an extension cord or cords.
- Hens shall be kept in the enclosure and fenced area at all times.
- All chickens and enclosures shall be kept in the rear yard.
- All areas where hens are kept shall be maintained neat and clean and free of undue accumulation of waste such as to cause odors detectable on adjacent property.
- No person shall allow chickens to produce noise loud enough to disturb the peace of persons of reasonable sensitivity and shall not allow the nuisance to exist.

Application Procedure

1. Submit a completed Building Permit Application to the Building Division of the Community Development Department.
2. Pay required minimum submittal fee.
3. Attach two (2) copies of drawings to the application showing the construction details, see attached sample.
1. Attach two (2) copies of the plat of survey showing the location of the coop and outside fenced area, setbacks to property lines, setbacks to any adjacent occupied residential structures, and all utilities (electric, gas, phone, sewer, water, etc.) *(sample attached)* **Survey shall be to scale, not reduced or enlarged when copied.**
5. Call J.U.L.I.E (Joint Underground Location for Inspectors and Engineers) at least 48 hours prior to any digging to locate any underground utilities. (Dial 811 or 800-892-0123)
6. Complete the Keeping of Chickens registration form.
7. If property is not owner occupied, Property owner's signature will be required on the building application and chicken and coop registration form.
8. Schedule the required inspections with the City of Batavia Building Division at least 48 hours in advance to insure that we can meet your schedule.

Wall & Roof Section

INDICATE DIMENSIONS AND MATERIALS



- Indicate the location with dimensions of the coop and the run area on the property.
- Show the location and distance of all occupied residential structures that surround the property applying for permit.

City of Batavia
Community Development Department
100 North Island Avenue
Batavia IL 60510
Phone (630) 454-2000
Fax (630) 454-2775

CHICKEN REGISTRATION APPLICATION

Registration number:___-___-___

Building Address:_____
Building Owner:_____
Email:_____ Phone:_____
Responsible Party of Chickens: _____
Email: _____ Phone:_____
Property Owner Occupied: Yes __ No__ If no, Owner Address:_____

PLEASE READ THE FOLLOWING CONDITIONS REGARDING THE KEEPING OF CHICKENS

All persons keeping chickens in the City of Batavia shall keep no more than 8 hens.
Roosters shall not be kept anywhere on premise.
Slaughter of any chickens shall not be allowed except for humane reasons only.
Hens shall be provided with a covered inside enclosure and an adjacent covered outside fence area not less than 32 square feet.
All hens will be kept in the enclosures and fenced areas at all times.
All hens are kept in the rear yard.
All enclosure (s) will remain 30 feet from any adjacent residential structure, other than the owner, but not less than the minimum property line setback required for accessory structures in the Zoning District.
PFI zoned properties shall keep enclosures and fenced areas 150 feet from all streets and not between the principal structure and adjacent streets.
Electric service to enclosure will not be provided by electrical cord or cords.
All enclosures and areas will be kept clean, sanitary and rodent free at all times.
All feed shall be contained in containers with tightly fitted lids.
Owner will ensure that the hens do not produce unreasonable noise.
Owner agrees to allow Building Division staff personnel to access the rear yard of the residence for the purpose of verifying compliance with the above and Title 5, Chapter 4, and 5-4B7 of the Municipal Code.

If it has been found that violation exists and correction has not been made within the timeframe given by the Code Compliance Officer, fines in the amount of $100.00 a day, every day the violation exists will be implemented as well as an appearance in front of the Adjudication Hearing Officer. If there have been three documented violations within any twelve month period, there will be a loss of permission to keep chickens on the property. Keeping chickens after permission has been revoked will result in a $750.00 fine a day every day the violation exists and an appearance in front of the Adjudication Hearing Officer.

By signing this document, I understand and agree to the conditions set forth.

Responsible Party:_____ Date:_____

Property Owner:_____ Date:_____

Witness:_____ Date: _____

Approved: _____Yes _____ No Date:_____ Inspector:_____

License #_____

CITY OF BATAVIA, ILLINOIS
ORDINANCE 11-04
AMENDING TITLE 5 OF THE MUNICIPAL CODE RELATING TO ALLOWING CHICKENS ON CERTAIN RESIDENTIAL PROPERTIES IN THE CITY OF BATAVIA

ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 16TH DAY OF MAY, 2011

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 17th day of May, 2011

Prepared by:

City of Batavia
100 N. Island Ave.
Batavia, IL 60510

CITY OF BATAVIA, ILLINOIS
ORDINANCE 11-04
AMENDING TITLE 5 OF THE MUNICIPAL CODE RELATING TO ALLOWING CHICKENS ON CERTAIN RESIDENTIAL PROPERTIES IN THE CITY OF BATAVIA

WHEREAS, the City of Batavia's Municipal Code has for many years prohibited the keeping of chickens on residential property in the City limits; and

WHEREAS, the City Council has been requested by several residents to change the City Code to permit the keeping of chickens on residential property in the city limits; and

WHEREAS, there has been significant public input presented to the City demonstrating that there is substantial community benefit from permitting residents to keep a limited number of chickens for personal use in the residential areas of the City; and

WHEREAS, those communities who permit a limited number of chickens to be kept in residential areas have experienced few problems resulting from that action; and

WHEREAS, there are demonstrated health benefits from allowing residents to raise chickens; and

WHEREAS, many communities in the region have adopted ordinances permitting residents to keep up to eight hens for personal uses; and

WHEREAS, the City Services Committee has studied the issue and held several public meetings where residents were afforded an opportunity to express their opinions about a potential change to the City Code to permit chickens on residential property; and

WHEREAS, the County Health Department has noted its approval for the adoption of an ordinance allowing up to eight hens on a residential property; and

WHEREAS, the City Services Committee has voted to recommend approval of Ordinance 11-04 to the City Council; and

WHEREAS, the City Council has reviewed the recommendation of the City Services Committee for changes to Municipal Code Title 5; and

WHEREAS, it is in the best interests of the City of Batavia and its residents that the proposed ordinance be adopted by the City Council of the City of Batavia.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Batavia, Kane and DuPage Counties, Illinois:

SECTION 1: That Title 5 of the Municipal Code be revised as follows:

Chapter 4 ANIMAL CONTROL, Article 4B ANIMALS

5-4B-1: KEEPING OF ANIMALS RESTRICTED

The words "other than eight (8) domestic hens" shall be inserted following the words "fowl and poultry" in sentence one. The last sentence, beginning with the words "In regard to fowl/poultry…", shall be deleted.

Add new Section 5-4B-7: STANDARDS FOR KEEPING OF CHICKENS

A. Up to eight domestic hens may be kept on properties zoned and occupied for single family residential use only.

B. Roosters are prohibited in the city limits.

C. No person shall slaughter any chickens in the city limits, except for humane reasons.

D. Hens shall be provided with a covered inside enclosure and an adjacent covered outside fenced area. The outside fenced area shall be no less than 32 square feet in area.

E. The enclosures and adjacent fenced area shall be set back:

1. thirty feet from any adjacent occupied residential structure, other than that of the owner; but

2. not less than the minimum property line setback required for accessory structures in the Zoning district.

F. All enclosures shall be constructed and maintained in such a manner as to be free of rodent infestation.

G. A building permit shall be required for all enclosures. The permit fee shall be the same as for a shed.

H. Electric service to enclosures shall not be provided by an extension cord or cords.

I. Hens shall be kept in the enclosure and fenced area at all times.

J. All feed and other items that are associated with the keeping of chickens that are likely to attract or to become infested with rats, mice or other rodents shall be protected in a container with a tightly fitted lid so as to prevent rodents from gaining access to or coming into contact with them.

K. All chickens shall be kept in the rear yard.

L. All areas where hens are kept shall be maintained in a neat and clean manner, free of undue accumulation of waste such as to cause odors detectable on adjacent properties.

M. No person shall allow chickens to produce noise loud enough to disturb the peace of persons of reasonable sensitivity, and it is hereby declared a nuisance and shall be unlawful for any person to allow such nuisance to exist.

Add new Section 5-4B-8. REGISTRATION AND PENALTIES

A. All persons keeping chickens in the City shall register with the Code Compliance officer prior to acquiring the chickens. Registration shall be on a form established by the Community Development Department. Registration forms will not be accepted until the enclosure has passed a final inspection by the Building Division. Persons having chickens as of the effective date of this Ordinance shall have 30 days to bring their property into compliance with this Ordinance.

B. The registration form shall include written permission for any Building Division staff member to access the rear yard of the residence for the purpose of verifying compliance with this Code on a periodic basis. The form shall also acknowledge receipt of a copy of the standards set forth in Section 5-4B-7 above by person registering.

C. There shall be no fee charged for registration.

D. Failure to notify the Code Compliance Officer in accordance with "A" above or failure to allow an inspection in accordance with "B" above shall constitute a violation of the City Code and shall be punishable by a fine of no more than $100 plus hearing costs, the amount to be established by the Code Hearing Officer.

E. Violation of any standard in Section 5-4B-7 above shall be punishable by a fine not to exceed $100 plus court costs, such fine to be established by the Code Hearing Officer. Each day a violation continues shall be considered a separate offense.

F. Three violations of this Ordinance on a property within any twelve month period shall result in loss of permission to keep chickens on the property. Keeping of chickens after permission has been revoked shall be punishable by a fine not to exceed $750 plus court costs, such fine to be established by the Code Hearing Officer. Each day a violation continues shall be considered a separate offense.

Add new section 5-4B-9. CONFLICT WITH PRIVATE COVENANTS

Nothing in this Chapter shall be construed to permit the keeping of chickens when such activity is prohibited by private covenants, conditions or restrictions governing the use of property, or by rules, regulations or orders issued by the Illinois Department of Public Health or the Kane County Health Department.

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

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

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

APPROVED by me as Mayor of said City of Batavia, Illinois, this 16th day of May, 2011

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien		x			Sparks	x			
2	Dietz	x				Wolff	x			
3	Jungels		x			Chanzit	x			
4	Volk	x				Stark	x			
5	Frydendall	x				Thelin Atac	x			
6	Liva	x				Clark		x		
7	Tenuta		x			Brown		x		
Mayor Schielke										
VOTE: 9 Ayes 5 Nays 0 Absent Abstention(s) Total holding office: Mayor and 14 aldermen										

ATTEST:

Heidi Wetzel, City Clerk

CITY OF BATAVIA, ILLINOIS
ORDINANCE 15-45

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

ADOPTED BY THE MAYOR AND CITY COUNCIL THIS 2ND DAY OF NOVEMBER, 2015

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 3rd day of November, 2015

Prepared by:

City of Batavia
100 N. Island Ave.
Batavia, IL 60510

CITY OF BATAVIA, ILLINOIS
ORDINANCE 15-45

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

WHEREAS, the City of Batavia's Municipal Code had for many years prohibited the keeping of chickens in the City limits; and

WHEREAS, in 2011, the City Council, in response to citizen request, adopted Ordinance 11-04 that amended the Municipal Code to permit the keeping of chickens on certain residential property; and

WHEREAS, few negative effects have been experienced with keeping of chickens on residential property; and

WHEREAS, the City received a request to permit keeping of chickens on a private school property; and

WHEREAS, the City recognizes the educational and developmental opportunities that caring for chickens provides to students; and

WHEREAS, the City Council has found that applying similar rights and restrictions for keeping of chickens on residential properties is appropriate to extend to school properties; and

WHEREAS, the City Council's Committee of the Whole has voted to recommend approval of Ordinance 15-45 to the City Council; and

WHEREAS, the City Council has reviewed the recommendation of the Committee for changes to Municipal Code Title 5; and

WHEREAS, it is in the best interests of the City of Batavia and its residents that the proposed ordinance be adopted by the City Council of the City of Batavia.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Batavia, Kane and DuPage Counties, Illinois:

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.

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

APPROVED by me as Mayor of said City of Batavia, Illinois, 2nd day of November, 2015.

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien	x				Fischer	x			
2	Callahan	x				Wolff	x			
3	Hohmann	x				Chanzit	x			
4	Mueller	x				Starks	x			
5	Botterman	x				Thelin Atac	x			
6	Cerone	x				Russotto		x	x	
7	McFadden	x				Brown	x			
Mayor Schielke										
VOTE: 13 Ayes 0 Nays 1 Absent Abstention(s) Total holding office: Mayor and 14 aldermen										

ATTEST:

Heidi Wetzel, City Clerk

Sec. 6-108. - Keeping of chickens.

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.

(Ord. No. 3082, § 3, 10-15-12)

10-4-6: - FOWL AND LIVESTOCK:

1. Housing: All fowl and livestock shall be kept within a pen, coop, building or other enclosure sufficient in size and strength to confine such animals to the owner's property, except that livestock may be tethered securely to a fixed object outside the enclosure, but only if the animal is so confined to the owner's property. A permit shall be obtained from the City of Naperville prior to the construction, addition, or modification of any pen, coop, building or other enclosure used for the purposes of housing fowl or livestock.
2. Zoning: Fowl and livestock may be kept in any area in the City except as otherwise provided by this Chapter or the City's Zoning Ordinance. [8]
3. Restrictions:
    3.1. A maximum of eight (8) fowl shall be permitted on any property. Roosters shall be prohibited.
    3.2. No livestock shall be kept, housed, maintained, or pastured within a distance of two hundred (200) feet of any occupied residence other than that of the owner.
    3.3. No pen, coop, building or other enclosure used for the purpose of housing fowl (with the exception of homing pigeons) shall be erected or maintained within thirty (30) feet of any occupied residence other than that of the owner.
    3.4. Every person maintaining a pen, coop, building, yard or enclosure for fowl or livestock shall keep such area clean and sanitary at all times. Any dirt or refuse resulting from the fowl or livestock shall be disposed in a clean and sanitary fashion.
    3.5. All feed for fowl or livestock shall be kept in containers that are rodent-proof until put out for consumption by fowl or livestock.
    3.6. Any pen, coop, or other structure used for the purpose of housing fowl that is not fully-enclosed shall be screened to a height of six (6) feet. Said screening shall be comprised of fences or walls six (6) feet in height, landscaping of at least seventy-five percent (75%) opacity, such as non-deciduous plantings, or equivalent screening and shall be located either along the perimeter of the lot where the pen, coop, building or other enclosure used for the purpose of housing fowl is located, or around the perimeter of the pen, coop, or enclosure itself.

(Ord. No. 12-013, § 2, 2-7-2012)

Editor's note— Section 3 of Ord. No. 12-013 states the following: "Any housing for fowl or livestock lawfully established prior to February 7, 2012 shall be permitted to continue operating in accordance with provisions of law and the Municipal Code related to nonconforming uses for a six-month period expiring August 8, 2012. Upon completion of the amortization period, all housing for fowl or livestock shall operate in compliance with the provisions of Section 10-4-6 (Fowl and Livestock)."

Footnotes:

*--- (**8**) ---*

See Title 6 of this Code.

9-4-5. - CERTAIN ANIMALS PROHIBITED.

(A) It shall be unlawful, and is hereby declared a nuisance for any person to keep or allow to be kept any animal of the species of horse, mule, swine, sheep, goat, cattle, poultry (with the exception of hens as herein provided), skunks, or poisonous reptiles within the corporation limits of the City of Evanston.

(B) Hens shall mean the female of the species Gallus Gallus Domesticas.

(C) It shall be unlawful to keep roosters within City limits.

1. The number of hens allowed shall be no less than two (2), and no more than six (6).
2. Any structures housing hens shall be termed an "accessory structure" as defined in Title 6, Chapter 18, Section 3 of the Evanston City Code, and shall abide by all requirements set forth in Title 6, Chapter 4, Section 6-2, "General Provisions for Accessory Uses and Structures," and Title 5, Chapter 1, "Property Maintenance Code" of the Evanston City Code.
3. Applicants shall register with the Illinois Department of Agriculture Livestock Premises Registration, and must have proof of registration on-site.
4. Care for hens shall follow the provisions set forth in this Chapter.
5. Hens shall be kept in such a way so as not to cause a nuisance as defined in Title 1, Chapter 3, Section 2, and enumerated in Title 8, Chapter 4, Section 1 of the Evanston City Code and shall be kept in conformance with the following requirements:
    a. Hen yards and coops shall be constructed and maintained to reasonably prevent the collection of standing water; and shall be cleaned of hen droppings, uneaten or discarded feed, feathers, and other waste with such frequency as is necessary to ensure the hen yard and coop do not become nuisances as defined in Title 8, Chapter 4, Section 1 of the Evanston City Code.
    b. Hens shall be kept in an enclosure which shall be maintained in such a manner so as to protect the hens from predators and trespassers.
    c. Hen coops shall be built and kept in such a manner so as to allow for easy ingress and egress for the hens and shall offer protection from weather elements including cold temperatures.
    d. Hen coops and yards shall be large enough to provide at least four (4) feet per hen.
6. Licenses for coops must be obtained and shall meet the rules of this Chapter where applicable.
    a. Prior to a license being granted to an applicant, the applicant must show proof of notice to all adjacent landowners except landowners that are municipalities or utilities.
    b. A license shall not be granted unless the applicant has obtained all necessary building permits and can show proof that a hen yard and coop that comply with this Section have been erected.
    c. Coop licenses shall not run with the land.
    d. Applications shall be submitted to the City of Evanston Public Health Director who shall have the authority to enforce this Section.
    e. An applicant who lives in an apartment or condominium building is not eligible to receive a coop license.
    f. No more than twenty (20) valid coop licenses shall be active within the City of Evanston at any given time for the first calendar year that the ordinance codified in this Section is in effect.
7. No person shall slaughter any hen, or any other animal, within City limits. Nothing in this Section is to be interpreted as prohibiting any establishment that is licensed to slaughter, from slaughtering for food purposes any animals which are specifically raised for food purposes.
8. Any person found to be in violation of this Section shall be fined not less than fifty dollars ($50.00), nor more than seven hundred fifty dollars ($750.00) for each offense. In the event that an owner is adjudged to have three (3) violations of this Section, the owner's coop license shall be revoked. Each day an owner is not

compliant with this Section shall constitute a separate offense.

(Ord. No. 43-0-74; Ord. No. 23-0-10, § 1, 9-27-2010; Ord. No. 85-0-10, § 1, 12-13-2010; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-4-5)), 1-23-2012)

From: Joel Frieders
To: Krysti Barksdale-Noble; Bart Olson; Jackie Milschewski
Subject: Fwd: In favor of chickens
Date: Tuesday, July 7, 2020 6:33:08 PM

---------- Forwarded message ---------
From: **a m** <[redacted]>
Date: Tue, Jul 7, 2020 at 6:30 PM
Subject: Re: In favor of chickens
To: Joel Frieders <joelfrieders.ward3@gmail.com>

Joel,
Thank you for asking! I wish more people would be curious about many topics. I appreciate this as a human and a political figure.
Yes, as a former agricultural educator, I helped children learn tangible life lessons with chickens. They learned responsibility, economics and husbandry to name a few. I watched as some students who have autism and struggled with social situations "come out of their shell' around chickens. Chickens offer a glimpse into the birdworld that we cant often have with wild animals, they are a domesticated animal but they do have similar behaviours to some of our wild feathered friends. I have friends who live in areas where chickens are allowed and for them its chance to do micro homesteading, earn a small amount of extra income (usually only enough to buy chicken feed) and reduce their food miles. Chickens also are insectivores they can aid in eating ticks, mosquitos and may other pests that annoy us or carry disease. They themselves cannot get lymes disease so it's a win win.
Please feel free to ask anymore questions and share this information.
April Morris

On Tue, Jul 7, 2020 at 5:47 PM Joel Frieders <joelfrieders.ward3@gmail.com> wrote:

> any reasons why you support it?
>
> On Tue, Jul 7, 2020 at 5:06 PM a m <[redacted]> wrote:
>
> > Hi I am in favor of backyard chickens here in Yorkville!
>
> --
> Joel Frieders
> Alderman, Third Ward
> United City of Yorkville
> 800 Game Farm Rd
> Yorkville, IL 60560
> 630-992-7516
> **PLEASE NOTE: I do not email after 5pm CST or on weekends, for the sanctity of my sanity.**

--
Joel Frieders

Alderman, Third Ward
United City of Yorkville
800 Game Farm Rd
Yorkville, IL 60560
630-992-7516
PLEASE NOTE: I do not email after 5pm CST or on weekends, for the sanctity of my sanity.

Dear Yorkville City Council,

I appreciate Alderman Funkhouser's efforts bringing the topic of Urban Chickens forward to the council. My family lives on a unique piece of property in town. We own ~1.25 acres between two connected parcels on Main Street. Main Street lets people go back in time surrounded by historic homes and the occasional glimpse of the Fox River. Many of these properties would have maintained chickens and other foul 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]

Chickens

Name: Scarlett Johnson
age: 10

Why I want chickens. I think Chickens would be so fun to have and here is why, I would want to feed them because it would be fun to have more animals to love. I think that chickens would be a big responsability but it would be fun! Chickens seem like they would listen. while being a big responsability 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!





Reviewed By:	
Legal	☐
Finance	☐
Engineer	☐
City Administrator	■
Community Development	☐
Purchasing	☐
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

Mayor's Report #10a

Tracking Number

CC 2021-04a

Agenda Item Summary Memo

Title: City Buildings Updates – Prairie Pointe Change Orders

Meeting and Date: City Council – September 27, 2022

Synopsis:

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Supermajority (6 out of 9)

Council Action Requested: Approval

Submitted by: Bart Olson (Name) Administration (Department)

Agenda Item Notes:

Have a question or comment about this agenda item?
Call us Monday-Friday, 8:00am to 4:30pm at 630-553-4350, email us at agendas@yorkville.il.us, post at www.facebook.com/CityofYorkville, tweet us at @CityofYorkville, and/or contact any of your elected officials at http://www.yorkville.il.us/320/City-Council

Memorandum

To: City Council
From: Bart Olson, City Administrator
CC:
Date: September 22, 2022
Subject: Furniture add-on, change order

Summary

Consideration of a change order for complete buildout of the Community Development open-area.

Background

This item was last discussed by the City Council in March 2022, when the City Council approved a furniture purchase for the entire Prairie Pointe building. At that time, the City Council reviewed a furniture list and plan, which indicated most areas of the building would be fully furnished for total buildout, with some areas remaining un-furnished and requiring future furniture purchase. One of these said areas is the open cubicle office space in the Community Development area on the second floor. The full build out of this area will put six cubicles in this area, and originally the staff only proposed to purchase 3 cubicles (inspector, engineer, public works director).

Since the City Council's original furniture purchase (which included 3 cubicles), we have determined that one of the Community Development employees will have to sit on the second floor for the near future, as opposed to our original plan to put this employee on the first floor at the front desk. This change has been made due to a further review of our mostly-paper based Community Development permit and inspection workflow. This workflow cannot be significantly altered without causing further issues until the City finalizes an ERP purchase and implementation. Thus, until we have a new ERP, it is better from a workflow purpose for this employee to sit on the second floor vs. the first floor. In order to best accommodate this employee move, we felt it was appropriate to fully buildout the Community Development cubicle area. We did discuss moving an old desk into this area for the employee to sit at, but we felt building out the area with the final 3 cubicles was a better option over immediately moving into the building with mismatched furniture.

Accordingly, the attached quote is for full cubicle build out of the Community Development open office area. It contains three matching cubicles to the three already included in the City Council's original furniture purchase. The change-order is for just less than $16,000, and must be authorized by City Council. Even though this order had not been previously discussed by City Council or mentioned in various staff memos, we do have funds available within the project budget for this purchase, as reviewed by the City Council at the last meeting.

Recommendation

Staff recommends authorizations of the change order for the Community Development cubicles.

Resolution No. 2022-_____

A RESOLUTION APPROVING CHANGE ORDERS RELATING TO 651 PRAIRIE POINTE DRIVE, YORKVILLE, ILLINOIS (Fifth Set of Change Orders)

WHEREAS, the United City of Yorkville, Kendall County, Illinois (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, the City has acquired the building and property commonly known as 651 Prairie Pointe Drive (the "*New City Hall*") for the purpose of rehabilitating the building and repurposing it as the new Yorkville City Hall and the headquarters of the Yorkville Police Department (the "*Project*"); and,

WHEREAS, the City requested Cordogan Clark to provide furniture recommendations and coordinate furniture suppliers. After review of two proposals, the City entered into a contract with Groupe LaCasse of Montreal, QC, Canada (the "*Contract*"); and,

WHEREAS, Groupe LaCasse has submitted a change order to the original Contract for additional costs which are the result of requested modifications by the City to the original numbers and specifications for furniture and materials for a total cost of $15,430.05; and,

WHEREAS, the City has reviewed the change orders as submitted by Groupe LaCasse and acknowledges that the furniture and materials covered by this change order was unforeseen but is necessary and in the best interest of the City; therefore, the City is prepared to approve the Change Order as hereinafter provided.

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

Section 1. The foregoing preambles are hereby adopted as if fully restated in this Section 1.

Section 2. That the change order as submitted by Groupe LaCasse in the total amount of $15,430.05 are hereby approved.

Section 3. That this Resolution shall be in full force and effect upon its passage and approval as provided by law.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this ____ day of _____, A.D. 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 _____, A.D. 2022.

_____

MAYOR

Attest:

_____

CITY CLERK

GROUPE LACASSE

R1-YORKVILLE AND POLICE

PREPARED FOR: YORKVILLE CITY HALL - 207 ADD PREPARED BY: APN 09-15-2022

Line #	Qty	Part number	Description	Unit$	Ext. Unit $	Cat SC
ADD ON- 207 COMMUNITY						
1	2	KACB-P-2-?	Standard cantilever brackets, pair	54.40 $	108.80 $	PAU
2	2	KACB-S-2-?	Shared cantilever brackets, pack of 2	66.00 $	132.00 $	PAU
3	5	KAPB-2-?	Panel brackets, pair	21.20 $	106.00 $	PAU
4	1	KEB3-S-6	3-circ., hardwire base feed	108.00 $	108.00 $	PAU
5	1	KER3-C1-?	3-circ., duplex receptacles, circuit #1,pack of 10	134.00 $	134.00 $	PAU
6	1	KER3-C2-?	3-circ., duplex receptacles, circuit #2, pack of 10	134.00 $	134.00 $	PAU
7	3	KMPF-1518-2-?	Modular pedestal w/ metal fr., F/F, 17 7/8D	275.20 $	825.60 $	PAU
8	3	KMPF-1518-3-?	Modular pedestal w/ metal fr., B/B/F, 17 7/8D	308.40 $	925.20 $	PAU
9	1	KPFG-ALIGN-?	Glass alignment hardware for in-line applications, pack of 4	71.60 $	71.60 $	PAU
10	2	KEJ3-T	3-circ., jumpers for electrified T junction	52.40 $	104.80 $	PAU

Line #	Qty	Part number	Description	Unit $	Ext. Unit $	Cat SC
11	3	KUR-2448-1-G-?	Std. rect. surf., TFL, grommet, 24Dx48W	164.80 $	494.40 $	PAU
12	3	KUR-2472-1-G-?	Std. rect. surf., TFL, grommet, 24Dx72W	214.00 $	642.00 $	PAU
13	2	KVCP-6-?	Raceway cutout covers, pack of 6	31.20 $	62.40 $	PAU
14	4	KVET-42-?	End-of-run trims, full height, 42 1/4H	77.60 $	310.40 $	PAU
15	3	KVPL-42-?	L junction kit, full height, 42 1/4H	92.00 $	276.00 $	PAU
16	2	KVPLA-66-42-?	L junction kit, variable height, 66 7/8H lowering to 42 1/4H	105.20 $	210.40 $	PAU
17	2	KVPTA-66-42-?	T junction kit, var. height type A, 66 7/8H lowering to 42 1/4H	67.20 $	134.40 $	PAU
18	3	KPFG-1224-?	Privacy screen For panel, 12 3/8Hx24W	127.20 $	381.60 $	PAU
19	6	KPFG-1236-?	Privacy screen For panel, 12 3/8Hx36W	155.60 $	933.60 $	PAU
20	4	KPMA-4224-NN	Acoust. panel, non-pwr., 42 1/4Hx24W	230.80 $	923.20 $	PAU
21	3	KMSH-1448	Overhead Hutch w/ Flip Door, 48W	493.20 $	1,479.60 $	PAU
22	6	KPMA-4236-NN	Acoust. panel, non-pwr., 42 1/4Hx36W	280.00 $	1,680.00 $	PAU
23	3	KPMA-6624-3P	Acoust. panel, pwr. 3-circ., 66 7/8Hx24W	331.60 $	994.80 $	PAU*
24	3	KPMA-6648-3P	Acoust. panel, pwr. 3-circ., 66 7/8Hx48W	482.00 $	1,446.00 $	PAU

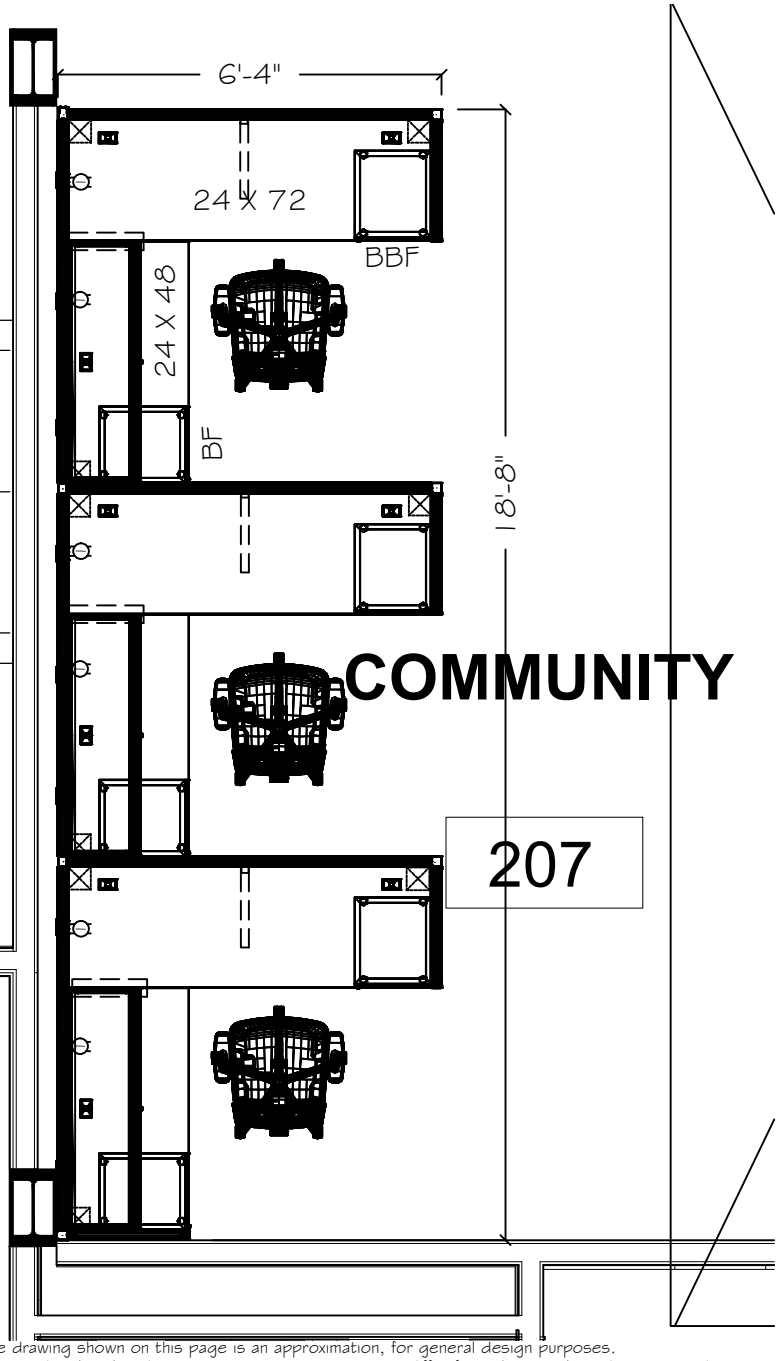
Line #	Qty	Part number	Description	Unit $	Ext. Unit $	Cat SC
25	3	UP13-E3-MU?-G2-TP06-SYN-P-AB-HDW-R3D8	Task Chair, with arms, mesh backrest, GR:02, HDW CASTERS, ARM R3D8	365.60 $	1,096.80 $	UNC*
		Subtotal			13,715.60 $	
		Freight, Delivery and Installation			- 1,714.45 $	
			Grand total:	15,430.05		$

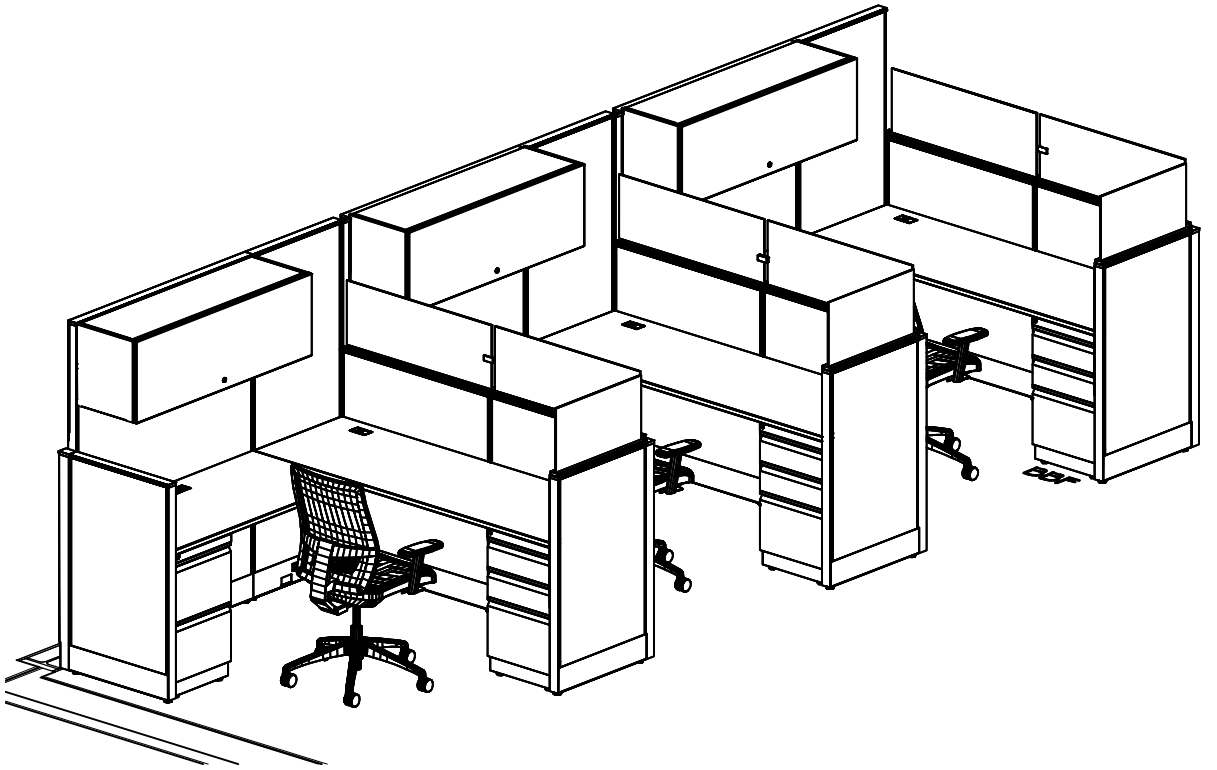
PLEASE NOTE:

- **Specifications prices are valid with our current price list at time of purchase**
- It is the RESPONSIBILITY of the dealer to ensure the accuracy of this specification.
- Any error, discrepancy or changes must be reported immediately prior to placing an order.
- All pieces are built using the metric system; you must specify if you need exact imperial dimensions.
- No finishes, fabrics or handles are specified.
- Drawings are for reference only.
- This is a Specification not a Purchase order.

THANK YOU!

PROJECT / PROJET : YORKVILLE & POLICE







The drawing shown on this page is an approximation, for general design purposes.
Certain details related to structure or appearance may differ from the actual product received.

TAG/DEPARTMENT: 207- COMMUNIT DEPARTEMENT/TAG:	SERIE : PARADIGM SERIES :	MODELE : SEE SPEC MODEL :	
DESSINE PAR : DRAWN BY :	DATE : 09/15/2022	# DESSIN : 1/1 DRAWING # :	

Reviewed By:	
Legal	☐
Finance	☐
Engineer	☐
City Administrator	■
Community Development	☐
Purchasing	☐
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

Mayor's Report #11

Tracking Number

CC 2021-38

Agenda Item Summary Memo

Title: Water Study Update

Meeting and Date: City Council – September 27, 2022

Synopsis:

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: None

Council Action Requested: Informational

Submitted by: Bart Olson (Name) Administration (Department)

Agenda Item Notes:

If new information is available at the time of the meeting, then a discussion will be held.

Have a question or comment about this agenda item?
Call us Monday-Friday, 8:00am to 4:30pm at 630-553-4350, email us at agendas@yorkville.il.us, post at www.facebook.com/CityofYorkville, tweet us at @CityofYorkville, and/or contact any of your elected officials at http://www.yorkville.il.us/320/City-Council