

ORDINANCE NO. 23-10

AN ORDINANCE AMENDING CHAPTER 91 OF THE VILLAGE CODE OF THE VILLAGE OF PEOTONE TO ESTABLISH REGULATIONS FOR THE LICENSING, PERMITTING AND KEEPING OF CHICKENS WITHIN THE VILLAGE

WHEREAS, the Village of Peotone (“Village”) is a non-home rule unit of local government as provided by Article VII, Section 7 of the Illinois Constitution of 1970: and

WHEREAS, the Village Code of the Village of Peotone (Peotone Village Code”) currently prohibits the keeping of chickens within the Village; and

WHEREAS, the President and Board of Trustees of the Village desire to amend the Peotone Village Code to establish procedures for licensing, regulating, and keeping of chickens; and

WHEREAS, the President and Board of Trustees of the Village find and determine that establishment of procedures for the licensing, regulating and keeping of chickens within the Village through the amendments set forth below is in the best interests of the health, welfare, and safety of the residents, property owners and the businesses of the Village.

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of Peotone, Will County, Illinois, as follows:

SECTION 1: Each whereas paragraph set forth above is hereby incorporated by reference into this Section 1.

SECTION 2: Section 91.09 (Keeping Livestock) of the Peotone Village Code is amended to read in its entirety as follows:

§ 91.09 KEEPING LIVESTOCK.

It shall be unlawful to keep any live swine, pigs, ~~chickens~~, horses, or other livestock in the village except that horses may be allowed where specifically approved by the Village Board as part of a planned unit development or as a special use in a non-residential district, and chickens may be kept in conformance with Section 91.14 below.

SECTION 3: A new Section 91.14 (Keeping Chickens) of the Peotone Village Code is added, to read in its entirety as follows:

§ 91.14 KEEPING CHICKENS.

(A) Definitions: As used in this section the following terms, unless the context otherwise requires, are defined as follows:

COOP: A structure housing chickens consisting of a covered inside enclosure.

CHICKEN: The female of the species *Gallus gallusdomesticus*, commonly known as chickens.

RUN: An enclosure connected to a coop for the purposes of allowing chickens to leave the coop while remaining in an enclosed, predator safe environment.

VILLAGE: The Village of Peotone.

(B) License and Permit Required: No person shall keep chickens within the Village without first obtaining a license therefore issued by the Village. Any run, coop, and other enclosure used for housing chickens may be erected or utilized only after obtaining a building permit as provided for herein.

(C) License and Permit Process:

(1) An applicant for a license for keeping chickens or for a building permit for any run, coop, and other enclosure used for housing chickens must submit the following to the village clerk:

(a) A completed application on forms provided by the Village;

(b) A plat of survey accurately depicting the potential location of the run, coop, and other enclosures used for housing chickens on the applicant's property; and

(c) The required fee for a license to keep chickens in the amount of two hundred fifty dollars (\$250.00) and the required building permit fee, if any. The building permit fee for a run, coop, and other enclosure used for housing chickens shall be the same fee as for a shed.

(d) Tenants seeking a license for rented property must submit a copy of their current lease and written evidence that the landlord consents to said application.

(2) A license for keeping chickens shall not be transferable or run with the land and shall terminate and become invalid upon the licensee no longer occupying the property for which the license was issued.

(3) A license for keeping chickens shall be granted on an annual basis. If the Village receives no complaints regarding the licensee's keeping of chickens, the license will be presumptively renewed at a cost of twenty-five dollars (\$25.00).

(D) Number of Chickens Permitted: No licensee shall keep fewer than two (2) or more than six (6) chickens. Roosters are prohibited.

(E) Confinement: All chickens kept in the Village shall be entirely confined in a run, coop, or other enclosure used for housing chickens at all times.

(F) Location of Structures: Runs, coops, and other enclosures used for housing chickens shall be permitted only in conjunction with a single-family detached dwelling, shall be located only in a rear yard, shall be erected or maintained at least thirty (30) feet from any structure authorized for residency other than that of the owner, shall be located at least ten (10) feet from the applicant's primary structure, and shall otherwise conform to the setback requirements for accessory structures within the applicable zoning district.

(G) Fencing: Rear yards housing runs, coops and other enclosures used for housing chickens shall be surrounded by a six (6) foot privacy fence.

(H) Requirements for Structures:

(1) A coop or other covered inside enclosure shall be provided for housing chickens and shall provide a minimum of two (2) square feet per chicken.

(2) Runs shall provide not less than eight (8) square feet per chicken.

(3) Runs, coops, and other enclosures used for housing chickens shall be constructed of quality, durable building materials. Outdoor shelters shall be constructed and maintained to be weatherproof in order to withstand inclement and extreme weather and to be secure from predators.

(4) Runs, coops, and other enclosures used for housing chickens shall be designed and constructed with adequate ventilation and in a manner that allows them to be easily cleaned.

(5) Maximum roof height for runs, coops, and other enclosures used for housing chickens shall not exceed eight (8) feet. For a pitched roof, the eight (8) foot measurement shall be to the midpoint of the pitched roof.

(6) Underground electricity shall be installed to the coop and an electrical permit is required. Extension cords or above ground wire are not permitted.

(I) Maintenance of Sanitary Conditions: Runs, coops, and other enclosures used for housing chickens shall be kept clean, sanitary, and reasonably free from all refuse and waste. All refuse and chicken waste shall be disposed of in a clean and sanitary fashion.

(J) Miscellaneous Regulations:

(1) All feed for chickens shall be kept in rodent proof containers until put out for consumption by the permitted chickens being kept.

(2) Slaughtering of chickens is prohibited within the Village.

(3) Odors from chickens, chicken manure, or other chicken related substances shall not be perceptible at the boundaries of the property where the chickens are kept, and it is hereby declared a nuisance and shall be unlawful for any licensee to allow such nuisance to exist at the boundaries of the property where the chickens are kept.

(4) No licensee shall allow chickens to make noise loud enough to annoy or disturb the comfort, health, peace, or repose of reasonable persons of ordinary sensibilities, and it is hereby declared a nuisance and shall be unlawful for any licensee to allow such a nuisance to exist.

(5) Breeding or the sale of eggs and chicken byproducts shall not be permitted.

(K) Right of Entry for Enforcement: Village officials shall be empowered to enter upon any premises where chickens are kept, or where there is reason to believe that chickens are kept, upon twenty-four (24) hours' notice, to enforce the provisions of this section.

(L) Suspension, Revocation, Nonrenewal; One Year Wait for New License:

(1) Whenever a licensee violates or fails to act in conformity with the provisions of this section or any other provisions set forth elsewhere in this code, the license for keeping chickens may be suspended or revoked, or the Village may refuse to renew the license, following notice and a hearing before the village administrator.

(2) If a license for the keeping of chickens is revoked for any cause, no license shall be granted to the same licensee for keeping chickens for a period of one (1) year from the date of revocation.

(M) Summary Suspension: Where the code enforcement officer presents to the village administrator sufficient evidence demonstrating probable cause to believe that the licensee has violated the provisions of this section or state or federal law, and that said violation will immediately threaten the public health, safety or welfare, the village administrator may, upon the issuance of a written order stating the reason for such conclusion, and without prior notice or hearing, order the licensed structure for the keeping of chickens closed and the license summarily suspended pending a hearing and a determination on suspension or revocation. The licensee shall be provided with a copy of the order and a notice of violation. A hearing shall be commenced not more than ten (10) days following the entry of such an order, unless the licensee shall agree to a longer period of time. The decision of the village administrator following the hearing shall be in writing and shall constitute a final determination.

(N) Removal of Structures: Runs, coops, and other enclosures used for the housing of chickens shall be removed within sixty (60) days upon a licensee no longer

keeping chickens, upon a licensee no longer occupying the property for which a license for the keeping of chickens was issued, or upon a license for the keeping of chickens having been revoked.

(O) Sunset Date: Unless such date is extended by the Board of Trustees, the permissions provided by this Section shall sunset on June 30, 2026, after which all licenses for the keeping of chickens shall terminate upon the end of the then current license period, and no new licenses shall issue.

SECTION 3: All Ordinances, and parts of Ordinances, in conflict with, or inconsistent with, the provisions of this Ordinance are hereby repealed to the extent of any such conflict or inconsistency.

SECTION 4: If any part or portion of this Ordinance shall be declared invalid by a Court of competent jurisdiction, such partial invalidity shall not affect the remainder of this Ordinance.

SECTION 5: This Ordinance shall be in full force and effect on July 1, 2023, following its passage, approval and publication in pamphlet form as provided by law.

ADOPTED this 22nd day of May, 2023, pursuant to a roll call vote as follows:

AYES: Richards, Sandberg, Sluis, Strba

NAYS: Hudson

ABSENT: Marevka

APPROVED by me this 22nd day of May, 2023, and attested to by the Village Clerk this same day.



VILLAGE PRESIDENT

ATTEST:



VILLAGE CLERK

STATE OF ILLINOIS)
) SS
COUNTY OF WILL)

CLERK'S CERTIFICATE

I, Stacey Hartwell, Clerk of the Village of Peotone, in the County of Will and State of Illinois, do hereby certify that the attached and foregoing is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

ORDINANCE NO. 23-10

**AN ORDINANCE AMENDING THE VILLAGE CODE OF THE VILLAGE OF PEOTONE
RELATIVE TO THE POSITION OF VILLAGE CLERK**

which Ordinance was passed by the Board of Trustees of the Village of Peotone at a Regular Village Board Meeting on the 22nd day of May, 2023, at which meeting a quorum was present, and approved by the President of the Village of Peotone on the 22nd day of May, 2023.

I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Peotone was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Peotone, and that the result of said vote was as follows, to-wit:

AYES: Richards, Sandberg, Sluis, Strba

NAYS: Hudson

ABSENT: Marevka

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Peotone, this 22nd day of May, 2023.


Village Clerk

[SEAL]