



ST. CHARLES  
SINCE 1834

### AGENDA ITEM EXECUTIVE SUMMARY

Title:	Discussion Regarding Regulating Chickens on Residential Properties
Presenter:	Bob Vann – Building & Code Enforcement Division Manager

*Please check appropriate box:*

	Government Operations		Government Services
X	Planning & Development (06/09/14)		City Council
	Public Hearing		

Estimated Cost:		Budgeted:	YES	X	NO	
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If NO, please explain how item will be funded:

**Executive Summary:**

St. Charles City Code currently allows chickens (fowls) within city limits. Staff has received inquiries regarding maintaining chickens on residential properties. The attached memorandum provides current City code restrictions on chickens and three possible options:

- 1) Make no changes to existing regulations
- 2) Continue to allow chickens with additional restrictions
- 3) Prohibit chickens

**Attachments:** *(please list)*

- Staff’s memorandum to Chairman Stellato and P&D Committee
- City Code Section of Title 6 Animals

**Recommendation / Suggested Action** *(briefly explain):*

Staff is requesting direction from the Committee on how best to address domestic chickens (fowls). Based upon Committee direction staff will work with legal counsel to prepare the necessary regulations for consideration.

<i>For office use only:</i>	<i>Agenda Item Number: 3e</i>
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**Community & Economic Development  
Building & Code Enforcement Division**

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# Memo

**Date:** May 19, 2014

**To:** Chairman Dan Stellato and  
members of the Planning & Development Committee

**From:** Bob Vann, Building and Code Enforcement Division Manager

**Cc:** Rita Tungare, Director of Community & Economic Development

**RE:** Discussion regarding regulating chickens on residential properties

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Recently there has been a heightened interest in acquiring and maintaining chickens on residential properties within the City of St. Charles. The City's current regulations in Title 6 of the City Code entitled, Animals, Section 6.12.080 "Animals Prohibited in the City", identifies animals that are not allowed within the city limits, unless permitted under certain circumstances. City Code does allow birds and fish within the City and based upon this, chickens (fowls) are defined as birds; therefore chickens are permitted within city limits.

There are specific limitations that are in place that restrict property owners on how chickens are used.

- 1) Chickens cannot be part of an agriculture process or business.
- 2) No retail sales of agricultural products shall be conducted on the property.
- 3) The selling of chickens is prohibited.
- 4) Chickens (or animals) shall be classified as a nuisance if they are found emitting loud noises excessively for an extended and uninterrupted period of time, or creating noxious or offensive odors.

In recent years the occupancy of chickens on residential properties has become a growing issue among several communities; but for the City of St. Charles the presence of residential chickens has been existing for 20+ years. For the most part, they have been self-regulated.

Memorandum  
Planning & Development Committee  
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City staff has received a very limited number of complaints; however, recently, we have received more inquiries and heard concerns regarding chickens on residential properties.

Staff has researched regulations from other communities and offers the following three options:

- 1) Make no changes to the existing regulations and continue the same practice.
- 2) Continue to allow chickens on residential properties with additional restrictions in place, such as:
  - a. Limit the number
  - b. Confinement requirements
  - c. Restrict to certain Zoning Districts in which lots are larger
  - d. For personal use only
  - e. Prohibit roosters
  - f. Other criteria that the Committee would like to consider
- 3) Prohibit chickens all together within City limits.

Staff believes this may be a continuing issue in the foreseeable future and we are looking for direction from the Committee on how to best address domestic chickens. Based on the Committee direction, staff will then work with legal counsel to prepare the necessary regulations for consideration.

## REGULATIONS

### **6.12.050 Removal of excreta - Owner's responsibility.**

No owner shall fail to remove excrement deposited by his pet upon the public ways or within the public places of the city or upon the premises of any person other than the owner's without that person's consent. This section shall not apply to a blind person while walking his or her guide dog. (Ord. 1977-M-11 (part): prior code § 20.37.)

### **6.12.060 Nuisances.**

An animal shall be classed as a nuisance, and its owner held in violation of this title, when such animal shall commit and repeat any of the following acts:

- A. Molesting persons or moving vehicles by chasing or barking or otherwise encumbering them;
- B. Attacking other animals that are being maintained in a lawful and otherwise proper way on the premises of their owner(s) or that are in the ordinance-prescribed control of their owners away from their home premises;
- C. Damaging property other than that of the owner;
- D. Barking, whining, howling or otherwise emitting loud noises excessively for an extended and uninterrupted period while on the property of the owner or within the confines of the owner's residence or other enclosed building on the owner's property;
- E. Creating noxious or offensive odors.

(Ord. 1979-M-48 § 1; Ord. 1977-M-11 (part): prior code § 20.38.)

### **6.12.070 Dead animals deemed nuisances when.**

It also shall be classed as a nuisance for any person to leave in or throw into any public way, public place or public water or to bury within the city the body or any part thereof of any dead or fatally sick or injured animal, or to display the unpreserved body or any unpreserved part of the dead animal in a place where it may be dangerous to the life or detrimental to the health of any animal or person. (Ord. 1977-M-11 (part): prior code § 20.39.)

### **6.12.080 Animals prohibited in the city.**

It is unlawful to keep any pigs, swine, sheep, cattle, goats, or similar animals, or any naturally wild animals other than birds and fish within the city unless allowed by the zoning ordinance of the city, unless same shall be properly and safely confined in zoological parks, performing animal exhibitions, educational institutions, veterinary hospitals, or animal shelters licensed under the Animal Welfare Act of the State. (Ord. 1977-M-11 (part): prior code § 20.40.)

### **6.12.090 Selling rabbits or fowl as novelties prohibited.**

No person shall sell, offer for sale or give away as a pet any rabbit or fowl that has been dyed, colored or otherwise treated to impart an artificial color thereto. Baby chicks, ducklings, goslings and turtles shall not be sold, offered for sale, bartered or given away as pets or novelties. (Ord. 1977-M-11 (part): prior code § 20.41.)

### **6.12.100 Using animals for prizes or attracting trade prohibited.**

No person shall give away any animal, as defined in Section 6.04.020, as a prize or as an inducement to enter any competition or contest or place of amusement, or offer such as an incentive to any business agreement for the purpose of attracting trade. (Ord. 1977-M-11 (part): prior code § 20.42.)

## Communities that Allow Chickens

Town	Setbacks	# of Chickens allowed	Enclosure Requirements	Other Requirements
Batavia	30 ft. from other residential structures	8 maximum	Covered inside Covered Fences Outside-No less than 32 sq. ft.-outside enclosed	No Roosters
Burr Ridge	Rear yard, meet building setbacks, 10 ft. from rear lot line	4 Hens per acre	Not to exceed 150 sq. ft.	No Roosters
Downers Grove	50 ft. from property line	4 over 18 weeks 4 under 18 weeks	In pen or coop at all times	
Itasca	150 ft. from any residence (except owners) Public St.			
Oak Brook	100 ft. from nearest lot or street line not less than 50 ft. from interior and rear lot line			
Warrenville	Not allowed as part of home and/or garage. Can be adjacent to a home or accessory building	No more than 4	Must be in coop or a run and confined at all times.	No Roosters
Wayne	50 ft. from lot line	1 per acre	Must be housed in a private stable located in the rear yard	

**Towns that do not allow chickens:** Addison, Bloomingdale, Bolingbrook, Carol Stream, Elmhurst, Geneva, Glen Ellyn, Hanover Park, Hinsdale, Lombard, Villa Park, West Chicago, Wheaton, Willowbrook, Winfield, Wood Dale, Woodridge.