



AGENDA ITEM EXECUTIVE SUMMARY

Title:	Proposed Ordinance to Amend Title 6 “Animals” Chapter 6.12 “Regulations”, by adding Section 6.12.095 “Residential Chickens”.
Presenter:	Bob Vann – Building & Code Enforcement Division Manager

Please check appropriate box:

	Government Operations		Government Services
X	Planning & Development (7/14/14)		City Council
	Public Hearing		

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

Executive Summary:

The current City Code (Title 6 Animals) has permitted chickens for 20-plus years; however, the Code does not provide specific regulations. Staff presented this issue at the June P&D Committee Meeting and the Committee directed staff to continue to permit residential chickens; however, with additional regulations in place. Staff has researched communities that allow residential chickens and have drafted the following regulations for consideration:

- A) Up to six (6) domestic chickens may be kept on properties zoned and occupied for single-family residential use only.
- B) Roosters are prohibited within the corporate boundaries of the City of St. Charles.
- C) Chickens shall be in an enclosure and/or fenced area at all times.
- D) All chickens and enclosures shall be kept in the rear yard.
- E) 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 that are detectable on adjacent properties.
- F) No person and/or property owner shall be allowed to violate Section 6.12.060 “Nuisance” of the St. Charles Municipal Code.
- G) The enclosure and adjacent fenced area shall be set back:
 - a. No closer than five (5) feet to any property line; and
 - b. Screened with year round landscaping, walls and/or fencing so as not to be visible from any public street or adjoining lot when viewed from an observation height of five (5) feet above grade.

Attachments: *(please list)*

- Proposed ordinance amending Title 6 Animals.
- May 19, 2014 memorandum to Chairman Stellato and P&D Committee Members.

Recommendation / Suggested Action *(briefly explain):*

Staff recommends approval of the proposed amendment to Title 6 and forward on to City Council for approval.

<i>For office use only:</i>	<i>Agenda Item Number: 3d</i>
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City of St. Charles
Ordinance No. _____

**An Ordinance Amending Title 6 of the St Charles Municipal Code, Entitled
“Animals”, Chapter 6.12 “Regulations”, by adding Section 6.12.095
“Residential Chickens.”**

WHEREAS, the City of St. Charles Municipal Code has regulations pertaining to the keeping of chickens on residential property in the City of St. Charles; and

WHEREAS, the City Council has directed City staff to provide additional, reasonable criteria to continue to allow and further regulate residential chickens; and

WHEREAS, the City has experienced very few problems during the years allowing residential chickens; and

WHEREAS, many communities in the region have adopted ordinances regulating chickens for personal use; and

WHEREAS, the City Council has reviewed the recommendation of the City Planning and Development Committee held on _____ for changes to Municipal Code, Title 6; and

WHEREAS, it is in the best interest of the City of St. Charles and its residents that the proposed ordinance be adopted by the City Council of the City of St. Charles;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois as follows:

SECTION ONE: That Title 6 “Animals”, Chapter 6.12 “Regulations” of the St. Charles Municipal Code, be and is hereby amended by adding Section 6.12.095 “Residential Chickens”.

“6.12.095 Residential Chickens

- A) Up to six (6) domestic chickens may be kept on properties zoned and occupied for single-family residential use only.
- B) Roosters are prohibited within the corporate boundaries of the City of St. Charles.
- C) Chickens shall be in an enclosure and/or fenced area at all times.
- D) All chickens and enclosures shall be kept in the rear yard.
- E) 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 that are detectable on adjacent properties.
- F) No person and/or property owner shall be allowed to violate Section 6.12.060 “Nuisance” of the St. Charles Municipal Code.

- G) The enclosure and adjacent fenced area shall be set back:
- a. No closer than five (5) feet to any property line; and
 - b. Screened with year round landscaping, walls and/or fencing so as not to be visible from any public street or adjoining lot when viewed from an observation height of five (5) feet above grade.”

SECTION TWO: That after the adoption and approval hereof this Ordinance shall be printed or published in book or pamphlet form, published by the authority of the City Council.

SECTION THREE: That this Ordinance shall be in full force and effect from and after its passage in accordance with law and this ordinance is authorized to be printed or published in book or pamphlet form by the authority of the City Council.

Presented to the City Council of the City of St. Charles, Illinois this ____ day of _____, 2014.

Passed by the City Council of the City of St. Charles, Illinois this ____ day of _____, 2014.

Approved by the Mayor of the City of St. Charles, Illinois this ____ day of _____, 2014.

Mayor

Attest:

City Clerk

Council Vote:

Ayes: _____
Nays: _____
Abstain: _____
Absent: _____

Approved as to Form:

City Attorney

Date: _____

DRAFT

**Community & Economic Development
Building & Code Enforcement Division**

Phone: (630) 377-4406

Fax: (630) 443-4638



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

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
Discussion on Chicken Regulations
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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.