



**VILLAGE OF WAUCONDA
LICENSE AND ADMINISTRATION COMMITTEE MEETING**

Tuesday, December 13, 2016

7:00 pm

Board Room – Village Hall

101 N. Main Street

AGENDA

Board Members: Chairman Tim Howe, Trustee Ken Arnswald, Trustee Lincoln Knight,
Staff: Village Administrator Maxeiner, Deputy Village Clerk Davies

1. Call to Order
2. Approval of Minutes
3. Old Business
 - a. Consideration and Action on an Recommendation to the Village Board for an Ordinance Amending Chapter 96 of Title IX of the Code of Wauconda Regulating Backyard Hens in Residential Areas
4. New Business
5. Public Comment
6. Adjournment

Posted 12-9-16

2016-O-_____

**AN ORDINANCE
AMENDING CHAPTER 96 OF TITLE IX OF THE CODE OF WAUCONDA
REGULATING BACKYARD HENS IN RESIDENTIAL AREAS**

WHEREAS, an increasing number of citizens want to raise chickens in urban environments as pets or for sustenance farming; and

WHEREAS, when cared for properly, backyard hens are clean, quiet, and safe pets and a reliable food source producing nutritious eggs for human consumption; and

WHEREAS, Village Code currently prohibits livestock in residential zoning districts; and

WHEREAS, the Wauconda Village Board has determined that allowing backyard hens contributes to the health, safety and general welfare of residents.

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

SECTION I: That Section 96 of Title IX of the Code of Wauconda entitled “ANIMALS” is amended to read as follows, where strike out (**delete**) indicates deletion of text and double underline (**insert**) indicates insertion of text:

§ 96.07 BACKYARD HENS.

(A) General Regulations. Backyard hens may be allowed in residential zoning districts subject to the following regulations.

- (1) Single-Family Parcels. Only single family, detached dwellings are eligible to have backyard hens. Backyard hens are prohibited for those parcels with duplex, town homes, condominiums, apartments or other non-single family structures.
- (2) Vacant parcels. No backyard hens shall be allowed on vacant parcels. Backyard hens shall not be allowed on parcels with vacant structures.
- (3) Lot size. Backyard hens may be allowed on parcels with single family dwellings in the R-1, R-2 or R-3 Zoning Districts. Backyard hens may be allowed on parcels with single family dwellings in the R-4 and R-5 Zoning Districts if the lot size is 1/6th of an acre (7,300 square feet) or more.
- (4) Maximum Number. The maximum number of backyard hens may not exceed four (4) per occupied, single family lot in a residential district.
- (5) Roosters Prohibited. Roosters are prohibited in any zoning district except the Agricultural District.
- (6) Slaughtering Prohibited. The on-site slaughtering of hens is prohibited within the Village of Wauconda.

- (7) Registration. Any individual keeping hens within the Village limits must register with the Illinois Department of Agriculture and be able to show documentation or proof of registration upon request by the Village Administrator or his designee.
- (8) Sale of eggs. The sale of eggs produced by backyard hens is prohibited in residential zoning districts.
- (9) Storage of Food. Feed for hens shall be kept in rodent proof containers.
- (10) Odors. Backyard hen owners shall regularly remove hen waste (feces) from the coop and hen run. At no time shall the owner of backyard hens allow odors from backyard hens or backyard hen waste to emanate to adjoining properties.

(B) Hen Coops and Hen Run Construction.

- (1) Containment. Hens shall be contained in a coop with a fenced hen run.
- (2) Enclosed. All coops shall be enclosed
- (3) Size. Coops shall provide a minimum of four (4) square feet per hen. Hen runs shall meet or exceed the coop area. Coops shall not exceed six (6) feet in height measured from the ground.
- (4) Permits - Fence. Permanently installed fencing for hen runs, as evidenced by fence posts affixed to or in concrete, shall require a fence permit. Temporary fencing or cages used for hen runs shall not require a fence permit.
- (5) Permits – Coop. Coops with a floor area of twenty-five (25) square feet or less shall not require a building permit unless the coop is secured with a foundation or posts anchored in concrete. Coops with an area of greater than twenty-five (25) square feet shall require a building permit.
- (6) Permits – Electrical. The installation of AC (alternating current) electrical wiring, electrical lighting and/or electrical heating elements in the coop shall require a permit. A pre-fabricated coop with factory installed electrical wiring, lighting, or heating equipment operating with a standard pronged electrical cord shall not require a permit unless after-market modifications have been made to the electrical component. A permit is not required for lighting or heating elements that are battery powered.
- (7) Construction Materials. Coops must be constructed of uniform, weather resistant material.
- (8) Placement. All coops and hen runs must be placed behind the residential dwelling and set back a minimum of ten (10) feet from property lines. Coops and runs are not allowed in the front or side yards.

(C) The location, placement, construction, size and maintenance of any coop or hen run may be subject to inspection by the Village Administrator or designee at any time to ensure compliance with the regulations in this Section 96.

(D) Any violation hereof shall result in a fine of not less than \$25.00 nor more than \$750.00.

SECTION II: Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action arising, acquired or existing under any act or ordinance or portion thereof hereby repealed or amended by this ordinance; nor shall any just or legal right, claim, penalty or remedy of any character of the corporate authority existing on the effective date hereof be lost, impaired or affected by this Ordinance.

SECTION III: All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION IV: If any provision, clause, sentence, paragraph, section, or part of this ordinance or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporation, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, or circumstances involved. It is hereby declared to be the legislative intent of the corporate authorities that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not been included.

SECTION V: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

Passed this _____ day of _____, 20__.

	Ayes:	Nays:	Absent/Abstain:
Lincoln F. Knight	_____	_____	_____
John F. Barbini Ed.D	_____	_____	_____
Tim Howe	_____	_____	_____
Linda Starkey	_____	_____	_____
Ken Arnswald	_____	_____	_____
Chuck Black	_____	_____	_____

APPROVED:

By: _____ Date: _____
Frank A. Bart, Mayor

ATTEST:

By: _____
Gina Strelecki, Village Clerk