

**UNITED CITY OF YORKVILLE
KENDALL COUNTY, ILLINOIS**

ORDINANCE NO. 2022-37

**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**

**Passed by the City Council of the
United City of Yorkville, Kendall County, Illinois
This 27th day of September, 2022**

**Published in pamphlet form by the
authority of the Mayor and City Council
of the United City of Yorkville, Kendall
County, Illinois on October 4, 2022.**

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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.”

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 27th day of September, A.D. 2022.


CITY CLERK

KEN KOCH	<u>NAY</u>	DAN TRANSIER	<u>AYE</u>
ARDEN JOE PLOCHER	<u>AYE</u>	CRAIG SOLING	<u>AYE</u>
CHRIS FUNKHOUSER	<u>AYE</u>	MATT MAREK	<u>AYE</u>
SEAVER TARULIS	<u>NAY</u>	JASON PETERSON	<u>AYE</u>

APPROVED by me, as Mayor of the United City of Yorkville, Kendall County, Illinois
this 4th day of October, A.D. 2022.



MAYOR