

ORDINANCE _____

**AN ORDINANCE OF THE VILLAGE OF POPLAR GROVE, ILLINOIS AMENDING
THE VILLAGE’S CODE OF ORDINANCES TO ALLOW HENS IN RESIDENTIAL
AREAS**

WHEREAS, the Village of Poplar Grove, Illinois (“Village”) has adopted a Code of Ordinances (“Village Code”); and

WHEREAS, Title 3 Police Regulations, Chapter 2 of the Village Code is titled Animal Control; and

WHEREAS, the Village now desires to amend Chapter 2 of Title 3, to add a new section regulating chickens in residential areas; and

WHEREAS, the purpose of this amendment is to allow and regulate the keeping of hens, for eggs, in residential areas of the Village; and

WHEREAS, the Village has determined that such amendment is in the best interest of the Village and its citizens.

NOW THEREFORE, be it ordained by the President and Board of Trustees for the Village of Poplar Grove, Illinois, as follows.

1. The above-recitals are incorporated herein and made a part hereof.
2. That Section 3-2-1 of the Village Code providing for “Definitions” is amended to reflect as follows (deletions identified by strikethroughs and additions by underline):
 - The definition of “Prohibited Animal” is hereby amended to read as follows:

“Prohibited Animal: Any animal except:

A. Domestic animals as defined herein and small caged birds or nonpoisonous aquatic, amphibian or reptilian animals kept solely as pets.

B. “Farm animals” as defined herein which shall only be allowed on properties; 1) zoned A-1, agricultural/rural district, ~~or A-2, exurban residential district~~, pursuant to the Poplar Grove zoning ordinance, or 2) approved for such use by amendment to the Poplar Grove zoning ordinance, or 3) issued a special use permit pursuant to the Poplar Grove zoning ordinance, or 4) otherwise approved pursuant to Village ordinance. Notwithstanding anything to the contrary contained in the foregoing sentence, Hens shall be permitted in residential areas subject to the conditions and regulations set forth in Section 3-2-15 of the Village Code.”

3. That Chapter 2 of Title 3 of the Village Code is hereby amended to include a new Section 3-2-15 governing “Chickens in Residential Areas” and which new section shall read as follows:

“3-2-15: CHICKENS IN RESIDENTIAL AREAS:

- A. Definitions. The following words and phrases shall have the following definition and meanings:
 1. “Hen” means a female of the species Gallus Gallus Domesticas.
 2. “Hen Coop” means a house or cage of sufficient size that provides shelter and security for hens.
 3. “Hen Run” means an enclosed area in which hens are allowed to walk and run about.
 4. “Residential Area” means property within the Village that is zoned Single-Family Residential (R1), Single-Family Residential (R2), Single-Family Residential (R3), and Residential Estate District (RE).
 5. “Rooster” means a male of the species Gallus Gallus Domesticas.
- B. Applicability. Hens in Residential Areas are allowed upon satisfaction of all of the following standards and conditions:
 1. Residential Hen Permit. A residential hen permit shall be obtained prior to any Hens being permitted to be located on Residential Area within the Village. An application for a residential hen permit shall be made to the Village Administrator on a form prescribed by the Village Administrator. The application fee for such residential hen permit shall be \$25.00. A maximum of fifteen (15) residential Hen permits will be issued in the Village, at a single time. If, upon passage of this ordinance, the number of initial applicants is more than 15, such permits shall be issued via a random drawing.
 2. Hen Coop Permit. A Hen Coop permit shall be obtained prior to a Hen Coop being constructed or located Residential Area within the Village. All Hen Coops shall conform to the requirements prescribed in this Section. The application fee for such Hen Coop permit shall be \$25.00.
 3. Inspections. Prior to approval of a residential hen permit, the Code Enforcement Officer or designated representative shall review the application and inspect the premises and Hen Coop for compliance with the regulations of this Section. Additional inspections may be performed

by the Code Enforcement Officer to confirm continued compliance with the provisions of this Section.

4. Annual Renewal of Permits. Residential hen permits and Hen Coop permits shall expire one year after issuance. The annual renewal for each permit shall be \$25.00.
5. Residential hen permits and Hen Coop permits are issued to property owners, and do not run with the land.

C. Hen Coops/Runs Requirements, Standards and Conditions. All Hen Coops/Runs in Residential Areas shall comply with the below regulations. Such Hen Coops/Runs regulations shall not apply to Hens kept on parcels zoned in the A-1 (Agricultural) zoning district.

1. Hen Coops/Runs may be attached to the resident's primary structure or as a free standing structure. Free standing Hen Coops/Runs shall be considered as an "accessory structure". A building permit for construction of a Hen Coop/Run must be obtained prior to commencement of construction.
2. All Hen Coops/Runs must be located in the rear yard and in accordance with all applicable set back requirements. All Hen Coops/Runs shall be a minimum of 25 feet from any neighboring primary dwelling unless a greater distance is required by any other provision of the Village Code.
3. Hen Coops/Runs shall be maintained, kept clean, and built in a manner to allow hens safety from predators and protection from weather elements.
4. Hen Coops/Run shall each be large enough to provide at least five square feet of area per Hen.
5. Hen Coops/Runs shall be constructed and maintained to reasonably prevent the collection of standing water; and shall be clean of Hen droppings, uneaten or discarded feed, feathers, and other waste with such frequency as is necessary to ensure the Hen Coop/Run does not become a nuisance.
6. All feed must be stored indoors in rodent proof containers.

D. Other Regulations.

1. If the property is not owner-occupied, a letter of approval from the owner shall be required prior to a residential Hen permit or Hen

Coop permit being issued.

2. A maximum of 5 Hens shall be allowed on any property within a Residential Area.
 3. Hens must be contained in a coop or a run at all times.
 4. Hens over 8 weeks in age shall never be in homes, garages, or sheds. Adult Hens are only allowed to be in permitted Hen Coops/Runs.
 5. Roosters are prohibited.
 6. The slaughtering of Hens is prohibited within Residential Areas.
 7. The display of any sales stand or signage, for the sale of eggs, is prohibited within Residential Areas.
 8. Violators of any of the regulations in this Section shall be subject to a fine of not less than \$100 nor more than \$500, at the discretion of the Village. Three fines shall result in revocation of the Hen Coop Permit. After revocation, the applicant must wait at least one year before applying for another Hen Coop Permit. Each day that a violation exists shall constitute a separate offense.”
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4. Except as amended in this Ordinance, all other provisions and terms of Village Code of Ordinances shall remain in full force and effect as previously enacted except that those ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.
 5. This Ordinance shall be in full force and effect from after its passage, approval, and publication in pamphlet form as provided by law.

PASSED by the Village Board this _____ day of _____, 2013.

APPROVED by the President of the Village Board this _____ day of _____, 2013.

Effective Date: This _____ day of _____, 2013.

President of the Board of Trustees
of the Village of Poplar Grove

ATTEST:

Village Clerk

Ayes: _____

Nays: _____

Absent: _____