

ORDINANCE NO. 2024 -

An Ordinance Amending Certain Sections of the Unified Development Ordinance and City Code Section 12.05 to Regulate Backyard Chickens

WHEREAS, the City of Harvard petitioned the Planning and Zoning Commission to consider text amendments to the Unified Developers Ordinance (UDO) regarding a definition for Backyard Chicken and Coop and;

WHEREAS, a public hearing was held by the Planning and Zoning Commission, after due notice in the manner provided by law; and

WHEREAS, the Planning and Zoning Commission, after deliberation, has made a report and recommended certain text amendments to the UDO; and

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission, based upon the evidence presented at the public hearing, and concur with the Commission's recommendation as amended.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Aldermen of the CITY OF HARVARD, McHenry County, Illinois, as follows:

SECTION 1: Section 2.3 of the Unified Development Ordinance, Definition of General Terms, shall be amended to add the following:

Backyard Chicken. A domesticated chicken located in the rear of a residential property kept for producing eggs or meat.

Coop. A cage or pen for confining poultry.

SECTION 2: Section 9.3 of the Unified Development Ordinance, Accessory Structures and Uses shall be amended to add Backyard Chicken Coops as an Accessory Use with the following language:

Enclosures shall be located no less than four (4) feet from a rear or side-yard property line, and no less than ten (10) feet from a residence on the subject property or an adjacent property. Chicken Coop and runs must comply with the standards set forth in Section 12.05.C of the Harvard City Code

SECTION 3: The Harvard City Code Section 20.06 Building Permit Fees be amended to add a permit fee of \$300.00 for Backyard Chickens and annual inspection fee of \$25.00.

SECTION 4: The Harvard City Code Section 1.14 Settlement of Offenses be amended to add 12.05.C Backyard Chicken, COLUMN A to be \$100.00 and COLUMN B to be \$200.00

SECTION 5: The keeping of backyard chickens will be permitted for a two-year period and at the conclusion of the two-year period or close to the two-year period the City Council will

review the regulations set forth in this Ordinance and determine if the regulations should be continued, amended, or this Ordinance repealed.

SECTION 6: Add Section 12.05.C to the Harvard City Code titled Backyard Chickens and include the following the language;

12.05-C Chickens in residential zoning districts.

(A) Keeping of Chickens. The keeping of chickens (but no other poultry or fowl) shall be permitted as an accessory use to a residential use and on the same lot or parcel as the principal residential use, within a Residential Zoning District, subject to the provisions of this section. No person shall raise, harbor, or keep chickens within the City of Harvard without a valid permit obtained from the Community Development Department under the provisions of this Section.

(B) Number. The following number of chickens shall be allowed on a lot:

Lot Size	Number of Chickens Allowed
3—10 net acres	12 birds
2-3 net acres	8 birds
Less than 2 net acres	4 birds

For the purpose of this section, net acres shall be defined as the total acreage of any lot minus any area on such lot on which a street or road lies. Also, for the purpose of this section, lots and/or parcels, developed as part of a residential planned unit development (PUD) shall be considered as lots or parcels in a Residential Zoning District and subject to these regulations provided the approval ordinance for such a PUD does not prohibit or further restrict the keeping of chickens as part of that approval. In the case of conflict between an approved PUD ordinance and this section, the stricter of the two shall apply.

(C) Minimum Requirements. The keeping of chickens on lots or parcels of land within Residential Zoning Districts shall be allowed as an accessory use and are subject to the following provisions:

1. Roosters shall not be permitted to be housed, kept or maintained.
2. All chickens must be kept in an enclosure at all times.
3. Enclosures shall be located no less than four (4) feet from a rear or side-yard property line, and no less than ten (10) feet from a residence on the subject property or an adjacent property.
4. Coops shall be located behind the principal structure and the front yard line on any residential lot or parcel.
5. Applicable building permits for coops and runs shall be required and subject to the demonstration of sufficient screening to minimize the visibility of enclosures to the street and neighboring property owners per subsection D of this section.
6. Coops and chicken runs shall be cleaned regularly and kept in a neat and sanitary manner at all times.
7. Slaughtering of chickens shall be prohibited.
8. Chicken feed shall be securely stored in sealed rodent proof containers.

9. On-site sale of eggs shall be prohibited.
10. All chickens, coops, and chicken runs must comply with all City nuisance regulations, including but not limited to those directed toward animals, noise, odor, pests, cleanliness, and unsightliness.
11. Only properties that are owner-occupied are permitted to obtain a permit to keep chickens on the property.
12. Each chicken will be required to wear a leg band provided by the city. Leg bands will be stamped or color coded to identify the owner of the chicken.

Chicken Coops:

13. Chickens shall be kept in an enclosed, well-ventilated outdoor coop to offer protection from weather elements, predators, and trespassers. They shall include an adjacent outside covered, fenced run area.
14. Chickens shall always be kept in the chicken coop or chicken run.
15. Electrical service to chicken coops shall comply with all city building and electrical codes, rules, and regulations. Under no circumstances shall electrical service be provided to a coop using extension cords or other temporary means.
16. Coops shall be enclosed, safe, and sanitary.
17. Coops shall be covered with uniform materials and complement the principal structure on the lot. The materials shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials.
18. Coops shall be built in a reasonable, workmanlike manner. Using scrap, waste board, sheet metal, or similar materials is prohibited.
19. Coops shall be well maintained. Any repairs shall maintain consistency in appearance and condition with the original structure. The coop must be replaced, removed, or repaired upon evidence of deterioration.
20. Coops must be constructed large enough to provide at least five (5) square feet per chicken, allowing chickens easy ingress and egress to an enclosed chicken run. Coops shall not exceed fifty (50) square feet. Coops shall not exceed eight (8) feet in height to the roof peak.
21. Coops shall be elevated at least eight (8) inches off the ground.
22. Coops shall be enclosed on all sides and shall have a roof and doors. Access doors shall be able to be shut and locked at night.
23. Coops shall have a solid floor.

24. Coops and runs shall be sufficiently anchored to not become windblown.
25. Coops shall be designed to be predator and pest-resistant and easily accessed for cleaning and maintenance.
26. Coops shall use one-quarter-inch hardware cloth to cover and secure any opening in the coop. Chicken wire is prohibited.
27. Coops shall provide adequate ventilation, sun, and shade.
28. Exterior lighting shall not continuously illuminate a coop.

Chicken Runs

29. Chickens shall not roam outside the enclosed chicken run.
30. Enclosed runs shall be sufficiently anchored so as not to become windblown.
31. Coops shall be directly connected with an enclosed run with a minimum size of twelve (12) square feet per chicken. The enclosed run shall not exceed two hundred (200) square feet.
32. The run shall be enclosed with a frame made of weather-resistant wood or metal material, one-quarter-inch hardware cloth, and sufficient height to contain the chickens. The frame shall not exceed six (6) feet in height.
33. The one-quarter-inch hardware cloth shall be buried at least 12 inches (12") into the ground around the perimeter of the coop and enclosed run or buried underneath the coop's floor and run.
34. Chicken runs constructed with one-quarter-inch hardware cloth shall retain a flat, uniform plane in a well-maintained, safe condition.
35. Barbed wire, razor wire, or similar fencing materials are prohibited.

Feed and Water

36. Chickens shall always be provided access to feed and clean water. The feed and water shall be unavailable to rodents, wild birds, and predators.
37. Feed must be stored in rodent-proof containers.

Screening.

38. Property owners shall install sufficient screening to minimize visibility of enclosures from a public street adjacent to the subject property.
39. In order for screening to be deemed sufficient:
 - (a) The coop and run may not be visible from an adjacent public street.

- (b) Be composed of plantings, materials, or structures that obstruct the view from public streets throughout the entire year;
 - (c) Be consistent with the character of the neighborhood.
40. Prior to the issuance of a building permit for the enclosure, the applicant must submit a screening proposal to the Community Development Department, and the City must approve such screening proposal as sufficient.
41. Failure to implement and maintain the required screening as set forth in the approved screening proposal may result in the revocation of any permit or authorization for the keeping of chickens or fines in an amount outlined in Section G.7, or both.

Chicken Waste/Manure

42. Chicken manure/waste storage shall not be permitted within fifteen (15) feet of the property line and only in the rear yard.
43. All stored chicken manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure.
44. No more than three (3) cubic feet of chicken manure shall be stored on the permitted tract of land.
45. All other chicken manure not used for composting or fertilizing shall be removed.
46. The chicken coop and surrounding area shall be kept free from trash and accumulated droppings or waste/manure.
47. Uneaten food shall be removed in a timely manner.

Prohibitions and Management Practices

48. Roosters - Roosters are not permitted. However, if the sex of a chicken cannot be determined at hatching, a chicken of either sex may be kept on the property for no more than five (5) months.
49. Chickens at Large. The Permittee shall not allow chickens to roam outside the enclosed chicken run area on the lot for which the permit was granted.
50. Odors. Chicken coops and runs must be cleaned regularly to remain free from undue accumulated waste and shall not cause odors reasonably detectable on adjacent properties.
51. Chicken Housing. No person shall keep chickens inside a dwelling unit or any structure other than the approved coop.
52. Vacant Land. No person shall keep chickens on a vacant or uninhabited tract of land.
53. Slaughter. Slaughtering of chickens is prohibited.
54. Bird fighting. Bird fighting is prohibited.

55. Sales. The sale of eggs, chickens, or chicken manure is prohibited.
56. Other types of animals - No one shall keep other poultry on the property, including geese, ducks, and turkeys.
57. Disposal of Waste and Deceased Chickens. All waste and deceased chickens must be disposed of in a sanitary manner.
58. Chicken Health. Chickens shall be kept or maintained healthily. Unusual illnesses or deaths of chickens must be reported to the County Health Department.
59. Breeding Prohibited. The breeding of chickens on-site is expressly prohibited.
60. Animal Cruelty - Animal cruelty laws pertain to chickens.
61. Laws, Rules, and Regulations - All persons maintaining chicken coops and runs shall comply with all local, county, state, and federal laws and regulations pertaining to maintaining and keeping hens.

(D) Permitting

1. Any homeowner wishing to keep chickens pursuant to this section must obtain a permit from the Community Development Department. In order to obtain a permit a person must comply with all of the requirements of sections 10.05.C.D.
 - (a) Any owner to be in violation of the City Code or adopted codes as approved and amended must bring their property into compliance before a permit will be issued.
 - (b) Pay an initial permit fee of \$300.00 and an annual inspection fee in the amount as set forth in Chapter 20 of the City Code. Permits will expire on the anniversary date of the initial approval. Renewal requests must be submitted 2 weeks before the expiration date. Applications for permit renewals will require the applicant to update all information set forth within the application if any of it has changed. Each permit is valid only for the address on the original permit. If the permittee moves and desires to continue the keeping of chickens at the new location, a new application and permit fee will be required. Permit applications must be accompanied with a scaled site plan depicting lot dimensions and all structures on the lot, proposed chicken coop and chicken run area, and proposed chicken waste storage area.
 - (c) Submit to an annual inspection by the City or its designee to ensure compliance with all of the requirements of this Section. The City or its designee shall inspect every chicken coop to ensure compliance with all of the requirements of this section for compliance before occupancy and thereafter annually or more frequently if safety or other issues arise.
 - (d) Confirmation that a Backyard Chicken 101 course provided by the city or its designee was attended electronically or in-person.
 - (e) Provide proof of vaccination for each chicken within 7 days of acquiring chickens.

- (d) Inspections and Annual Reviews - The Community Development Department shall inspect every chicken coop for compliance with the requirements and conditions outlined in this Article before occupancy and thereafter annually or more frequently if safety or other issues arise.

(E) Variances.

The keeping of chickens in a manner inconsistent with the requirements of this section may be considered within Residential Zoning Districts subject to the following provisions:

1. To appear before City Council to request a variance from the requirements of Section 12.05-C, the applicant shall file a variance request on forms provided by the Community Development and successfully obtain a variance; and
2. The City Council may impose conditions and limitations upon the premises or use that is the subject of such variance.

(F) Denial, Revocation, Non-Renewal.

The Community Development Department may deny, suspend, revoke, or decline to renew any permit issued for any of the following grounds:

1. False statements on any application or other information or report required by this ordinance to be given by the applicant.
2. Failure to pay any application, penalty, reinspection, or reinstatement fee required.
3. Failure to correct deficiencies noted in notices of violation in the time specified in the notice. The Permittee shall be given a minimum of ten (10) days from the date of the notice to resolve deficiencies.
4. Accumulating three (3) violations of the requirements set forth in section 12.05-C of the City Code within one (1) year will result in the permanent revocation of the backyard chicken permit.
5. Notification - A decision to revoke, deny, or not renew a permit shall be in writing, delivered by regular mail, or in person to the address indicated on the application. The notification shall specify the reasons for the action.
6. Removal of Chickens and Coop. Upon written notification of denial, revocation, or non-renewal, a property owner shall remove the chickens and the coop within fourteen (14) days.
7. Impose and collect fines in an amount outlined in Section 1.14 Settlement of Offenses.
8. If a Permittee fails to renew the annual permit or voluntarily wishes to terminate the annual permit, the coop, run, food storage, manure storage devices, and chickens must be removed from the premises immediately. City staff may perform a final property inspection to ensure compliance.

SECTION 7: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment

shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 8: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 9: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Aye:

Nay:

Absent:

Abstain:

APPROVED:

Mayor Michael P. Kelly

(SEAL)

ATTEST: _____
City Clerk Lori Moller

Passed:

Approved:

Published: In Pamphlet Form