

ORDINANCE NO. 9189-2023

AN ORDINANCE AMENDING TITLE IX (GENERAL REGULATIONS), CHAPTER 90 (ANIMAL CONTROL) OF THE REVISED CODE OF ORDINANCES OF THE CITY OF BELLEVILLE, ILLINOIS, AS AMENDED, BY ADDING SECTIONS 90.60 THROUGH 90.72 (URBAN CHICKENS) AND AMENDING SECTION 90.06 (ANIMAL CARE)

THE CITY OF BELLEVILLE, ST. CLAIR COUNTY, ILLINOIS (THE "CITY"), IS A DULY ORGANIZED AND EXISTING MUNICIPALITY CREATED UNDER THE PROVISIONS OF THE LAWS OF THE STATE OF ILLINOIS.

THE CITY OF BELLEVILLE IS NOW OPERATING UNDER THE PROVISIONS OF THE ILLINOIS MUNICIPAL CODE, AS SUPPLEMENTED AND AMENDED AND AS A HOME RULE MUNICIPALITY PURSUANT TO ARTICLE VII OF THE ILLINOIS CONSTITUTION OF 1970; AND IN THE EXERCISE OF ITS HOME RULE POWERS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLEVILLE, ILLINOIS:

Section 1. Title IX (General Regulations), Chapter 90 (Animal Control) of the Revised Code of Ordinances of the City of Belleville, Illinois is hereby amended by adding Sections 90.60 through 90.73 (Urban Chickens) as follows:

URBAN CHICKENS

§ 90.60 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHICKEN. A member of the subspecies *gallus gallus domesticus*, a domesticated fowl.

PERMITTED TRACT OF LAND. The tract of land as identified by the application upon which a permit is granted for keeping chickens pursuant to this subchapter.

PERMITTEE. An applicant who has been granted a permit to raise, harbor or keep chickens pursuant to this subchapter.

PERMITTING OFFICER. The Mayor or his or her designee.

TRACT OF LAND. A property or a zoned lot that has one single-family dwelling located on that property or zoned lot.

URBAN CHICKEN. A chicken kept on a permitted tract of land pursuant to a permit issued under this subchapter.

§ 90.61 PERMIT REQUIRED.

(A) *Permit required.* No person shall raise, harbor or keep chickens within the City limits without a valid permit obtained from the Permitting Officer under the provisions of this subchapter. Such permits are issued for a period of one year and must be renewed annually. Such permits shall be limited to 50 for the entirety of the City.

(B) *Application.* In order to obtain a permit, an applicant must submit a completed application on form(s) provided by the Permitting Officer, and pay all fees required by this subchapter. The application fee is \$25.

(C) *Requirements.* The requirements for the receipt of a permit include:

- (1) all requirements of this subchapter are satisfied;
- (2) all fees, as may be provided for from time to time by City Council action, for the permit are paid in full;
- (3) all fees, fines and/or judgments due and owing the City by the applicant have been paid in full;
- (4) the tract of land to be permitted shall contain on one single family dwelling owned, occupied and used as such by the permittee in full compliance with all applicable provisions of this Code;
- (5) inspection and approval by the Director of Health, Housing & Building or designated employee confirming that the enclosure is compliant with this subchapter.

(D) *Issuance of permit.* If the Permitting Officer concludes as a result of the information contained in the application and reflected in the inspection that the requirements for a permit have been met, then the Officer shall issue the permit.

(E) *Denial, suspension, revocation, nonrenewal.* The Permitting Officer 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 section to be given by the applicant;
- (2) failure to pay any application, penalty, reinspection or reinstatement fee required by this section or City Council action;
- (3) failure to correct deficiencies identified in notices of violation within the time specified in the notice;
- (4) failure to comply with the provisions of an approved mitigation/remediation plan by the Permitting Officer, or designee; or
- (5) failure to comply with any provision of this subchapter.

(F) *Notification.* A decision to revoke, suspend, deny or not renew a permit shall be in writing, delivered by ordinary mail or in person to the address indicated on the application. The notification shall specify reasons for the action.

(G) *Effect of revocation, and the like.* When an application for a permit is denied, or when a permit is revoked, the applicant may not reapply for a new permit for a period of one year from the date of the denial or revocation.

(H) *Appeals.* No permit may be denied, suspended, revoked or not renewed without notice and an opportunity to be heard is given the applicant or holder of the permit. In any instance where the Permitting Officer has denied, revoked, suspended or not renewed a permit, the applicant or holder of urban chicken may appeal the decision to the Mayor, or designee other than the Permitting Officer within ten business days of receipt by the applicant or holder of the permit of the notice of the decision. The applicant or holder of the permit will be given an opportunity for a hearing. The decision of the officer hearing the appeal, or any decision by the Permitting Officer which is not appealed in accordance with this subchapter shall be deemed final action.

§ 90.62 NUMBER AND TYPE OF CHICKENS ALLOWED.

(A) The maximum number of chickens allowed is six per tract of land regardless of how many dwelling units are on the tract.

(B) Only female chickens (hens) are allowed.

§ 90.63 PERMITS RESTRICTED TO SINGLE-FAMILY DWELLINGS.

Permits will be granted only to permittees legally occupying single-family dwellings within any zoning district in the City, and are specific to said single-family dwelling and not transferrable.

§ 90.64 NON-COMMERCIAL USE ONLY.

A permittee may only maintain Urban Chickens under this subchapter for purely domestic purposes. A permit shall not allow the permittee to engage in chicken fighting, breeding, slaughtering or fertilizer production for commercial purposes. Nor shall the permittee sell the eggs and/or by-products produced.

§ 90.65 ENCLOSURES.

(A) Chickens must be kept in an enclosure or fenced area at all times. Chickens shall be secured within a hen house or chicken tractor during non-daylight hours.

(B) Enclosures must be kept in a clean, dry, odor-free, neat and sanitary condition at all times.

(C) Hen houses, chicken tractors and chicken pens must provide adequate ventilation and adequate sun and shade and must be impermeable to rodents, wild birds and predators, including dogs and cats.

(D) Hen houses and chicken tractors shall be designed to provide safe and healthy living condition for the chickens with a minimum of four square feet per chicken while minimizing adverse impacts to other residents in the neighborhood.

(1) A hen house or chicken tractor shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird proof wire of less than one-inch opening.

(2) The materials used in making a hen house or chicken tractor 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. The use of scrap, waste board, sheet metal or similar materials is prohibited. Hen houses and chicken tractors shall be well maintained.

(E) Hen houses, chicken tractors and chicken pens shall only be located in the rear yard, with ten foot setback from all property lines and within the required setbacks as required by the zoning code.

(F) Hen houses, chicken tractors and chicken pens may not exceed six feet in height, and must be located at least ten feet from any adjacent residential dwelling, church, school or place of business.

(G) Any enclosed chicken pen shall consist of sturdy wire fencing. The pen must be covered with wire, aviary netting or solid roofing.

§ 90.66 ODOR AND NOISE IMPACTS.

(A) Odors from chickens, chicken manure or other chicken related disturbances shall not be perceptible beyond the boundaries of the permitted tract of land.

(B) Noise from chickens shall not be loud enough beyond the boundaries of the permitted tract of land at the property boundaries to disturb persons of reasonable sensitivity.

§ 90.67 PREDATORS, RODENTS, INSECTS AND PARASITES.

The permittee shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by appropriate authorities.

§ 90.68 FEED AND WATER.

Chickens shall be provided with access to feed and clean water at all times. The feed and water shall be maintained in containers unavailable to rodents, wild birds and predators.

§ 90.69 WASTE STORAGE AND REMOVAL.

All areas where chickens are kept shall be maintained in a safe, clean and sanitary condition and free of accumulation of waste. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three cubic feet of manure shall be stored on the permitted tract of land. All other manure not used for composting or fertilizing shall be removed. The hen house, chicken tractor, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner. Dead chickens must be disposed of in a manner that does not endanger the public health and safety.

§ 90.70 CHICKENS AT LARGE.

The permittee shall not allow the permittee's chickens to roam off the permitted tract of land. A dog or cat or other domesticated animal that kills a chicken off the permitted tract of land shall not, for that reason alone, be considered a dangerous or aggressive animal, or elicit responsibility on the part of the City to enforce its animal control provisions.

§ 90.71 UNLAWFUL ACTS.

(A) It shall be unlawful for any person to keep chickens in violation of any provision of this subchapter or any other provision of this Code.

(B) It shall be unlawful for any owner of property to allow chickens to be kept on the property in violation of the provisions of this subchapter.

(C) No person shall keep chickens inside a residential structure, including a garage.

(D) No person shall keep a rooster.

(E) No person shall keep chickens on a vacant or uninhabited tract of land.

§ 90.72 NUISANCE.

Any violation of the terms of this subchapter that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance and may be abated under general nuisance abatement provisions.

Section 2. Title IX (General Regulations), Chapter 90 (Animal Control), Section 90.06 (Animal Care) is hereby amended by repealing Section 90.06 (Animal Care) in its entirety, and substituting in lieu thereof Section 90.06 (Animal Care), as follows:

§ 90.06 ANIMAL CARE.

(A) *Proper care.* No owner shall fail to provide his or her animal(s) with food or water in sufficient quantities, proper air, shelter space and protection from the weather, veterinary care when needed to prevent suffering and humane care and treatment, to include rabies vaccination and registration with county Animal Control.

(B) *Animal abuse.* No person shall beat, cruelly treat, torment, overload, overwork or to otherwise abuse an animal or knowingly allow same to be done.

(C) *Animal transportation.* No person shall carry or keep any animal bound or tied by its legs or bound down by the neck so that it cannot freely stand in an upright position while being transported, or by carrying or keeping any animal(s) in a crate or cage so constructed as to permit the animal(s) to push its head between the slats or wires or other openings of the crate or cage, unless the spaces between the slats or wires are also sufficient to permit the animal(s) to freely withdraw its head therefrom.

(D) *Animals as prizes.* No person shall give away any live animal(s), fish, reptile or bird: as a prize for, or as an inducement to enter, any contest, game or other competition; as an inducement to enter a place of amusement; or as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade, except for special circumstances with permission granted by the Mayor.

(E) *Exposing poison.* No person shall expose any known poisonous substance, whether mixed with food or not, so that the same is accessible and may be eaten by any animal; provided that, it shall be lawful for a person to expose on his or her own property common rat poison mixed only with vegetable substance.

(F) *Farm animals.* No person shall keep any goats, pigs, sheep, cattle or other farm animals of any kind anywhere in the city. No person shall raise, maintain or have upon any property within the city any ~~chicken~~, ducks, geese, guinea hens, pigeons and other similar fowl. Except as otherwise expressly permitted under this Chapter, no person shall raise, maintain or have upon any property within the city any chicken. This limitation shall not apply to any person or persons within the city

limits who, on the date of the enactment of this subchapter, own farm animals which is at least 150 feet of any residence other than the residence of the person so keeping or having such animals. This limitation shall not apply to those premises annexed to the city; and, provided that, the farm animals were kept on the premises on the date of such annexation and continuously thereafter; and, provided further that, such premises have remained the same size as when first annexed to the city. However, this shall not be construed to allow such person or persons to replace farm animals upon the death or loss of such animal with a like number of farm animals.

(G) *Horse stables.* No person, firm or corporation may stable or otherwise keep a horse or horses anywhere in the city, except on premises where keeping of horses was lawful under the ordinances of the county at the time such premises were annexed to the city and provided that horses were kept on the premises on the date of such annexation and continuously thereafter; and, provided further that, such premises have remained the same size as when first annexed to the city.

(H) *Diseased animals.* No animal infested with any disease, whether contagious or pestilential, shall be brought into the city or shall be allowed to remain in the city without proper medical care being sought by the owner.

(I) *Injury of owned at large animals.* Any person who allows his or her animal(s) to run at large is responsible for veterinary fees if the animal is injured by a motor vehicle.

(J) *Giving away animals in public places.* It is a violation to give away dogs or cats in public places including, but not limited to, a grocery store, drugstore, shopping centers or swap meets.

(K) *Dead animals.* Any person being the owner or occupant of any premises within the city having a dead animal on the premises shall, within 24 hours, remove or cause the removal of the dead animal. Failure to remove the dead animal will result in the Sanitation Department removing such animal and charging the owner of the animal, and/or placing a lien on the property of the owner.

(L) *Animal waste.* The owner of every animal shall be responsible for the removal of any excrement deposited by the animal(s) on public walks, streets, recreation areas, private property or any other property located within the city.

(M) *Hunting, trapping and the like.* No person shall hunt, kill, entrap, injure or destroy by any means any bird or animal within the city limits, unless first having obtained permission from the Chief of Police and the state. Humane trapping by the humane society, Animal Control, Police Department or their designees shall be exempt from this provision.

(N) *Feeding stray animals.* No person shall willingly feed stray domestic animals whereby allowing the animals to continue to run at large, except as permitted under § 90.51 of this Code.

Section 3. That conflicting Ordinances or pertinent portions thereof in force the time this takes effect are hereby repealed.

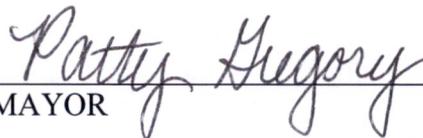
Section 4. Any person violating this Ordinance shall be subject to the penalties of Title IX (General Regulations), Chapter 90 (Animal Care), Section 90.99 (Penalty).

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and publication, in pamphlet form, all as provided by law.

PASSED by the City Council of the City of Belleville, Illinois, on this 18th day of September, 2023 on the following roll call vote:

	<u>AYE</u>	<u>NAY</u>
Bryan Whitaker	<u>X</u>	_____
Lillian Schneider	<u>X</u>	_____
Carmen Duco	<u>X</u>	_____
Jamie Eros	<u>X</u>	_____
Kent Randle	_____	<u>X</u>
Scott Ferguson	<u>X</u>	_____
Johnnie Anthony	<u>X</u>	_____
Raffi Ovian	_____	<u>X</u>
Ed Dintelman	_____	<u>X</u>
Michelle Schaefer	<u>X</u>	_____
Chris Rothweiler	<u>X</u>	_____
Dr. Mary G. Stiehl	<u>X</u>	_____
Dennis C. Weygandt	EXCUSED	_____
Phil Elmore	EXCUSED	_____
Nora Sullivan	<u>X</u>	_____
Kara Osthoff	<u>X</u>	_____

APPROVED by the Mayor of the City of Belleville, Illinois this 19th day of September, 2023.


MAYOR

ATTEST:


CITY CLERK