

AN ORDINANCE FOR KEEPING CHICKENS

WHEREAS, THE VILLAGE BOARD OF THE VILLAGE OF HANOVER HAS DECIDED IT IS IN THE VILLAGE OF HANOVER'S BEST INTEREST TO CREATE LICENSING STANDARDS AND REQUIREMENTS THAT WILL ENABLE RESIDENTS TO KEEP A SMALL DOMESTICATED CHICKENS.

WHEREAS, IT IS IN THE MATTER OF THE PUBLIC WELFARE OF THE CITIZENS OF THE VILLAGE OF HANOVER, ILLINOIS, THAT AN ORDINANCE BE ADOPTED TO PROVIDE LEGAL STANDARDS AND REQUIREMENTS ENABLING RESIDENTS TO KEEP SMALL DOMESTICATED CHICKENS.

BE IT ORDAINED BY THE VILLAGE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF HANOVER, ILLINOIS:

A. **Statement of Purpose**

The Village of Hanover recognizes that there may be a negative adverse impact to neighborhoods resulting from the keeping of domesticated chickens. The negative impact may include noise, odor, visual aesthetics, unsanitary animal living conditions, unsanitary waste storage and removal, the attraction of predators, rodents, insects or parasites and non-confined animals leaving the owners property.

The purpose of this article is to create licensing standards and requirements that will enable residents of the Village of Hanover to keep a small number of female domesticated chickens (defined as fowl of the genus Gallus and species Gallus domesticus) while limiting the potential adverse impacts on the surrounding neighborhood and the Village of Hanover as a whole.

Definitions: As used in this section, the following definitions shall apply and any word not listed in these definitions shall be enforced as defined by the Enforcing Agent.

1. **Airtight:**
Closely sealed, fastened, or fitted so that no air enters or passes through.
2. **Butchering:**
To slaughter an animal and prepare the meat for consumption
3. **Chicken:**
A domestic fowl of the genus Gallus and species Gallus domesticus.

4. **Coop:**
A weather tight cage or pen to be used for confining poultry and for protection from weather and predators.
5. **Deck:**
A structure constructed of planks or plates approximately horizontal and may be open to the weather or partially open to the weather. Commonly used as entertainment space in a residential setting.
6. **Drainage Area:**
An area characterized by surface water being collected or conveyed.
7. **Enforcing Agent:**
Any employee or agent of the village designated by the Village President to exercise police powers in the enforcement of this chapter, including but not limited to any Village Police Officers or the Village Attorney.
8. **Feces:**
Waste matter discharged from the bowels after food has been digested.
9. **Hen:**
An adult female chicken.
10. **Patio**
A recreational area on a residential or commercial lot often surfaced with wood, cement, block, brick, or rock and is adapted especially to outdoor entertaining.
11. **Porch:**
An exterior appendage to a building, forming a covered approach or vestibule to a doorway.
12. **Predators:**
An animal that lives by killing and eating other animals.
13. **Privacy fence:**
A continuous, solid fence used to prevent view across the fence line.
14. **Rear Yard:** The area of a lot located only directly behind the primary residential structure and not extending from side lot line to side lot line.

15. **Rodent:**
A gnawing mammal of an order that includes rats, mice, squirrels, hamsters, porcupines, and their relatives, distinguished by strong constantly growing incisors and no canine teeth. They constitute the largest order of mammals.
16. **Roost:**
A place where birds rest or sleep.
17. **Rooster:**
An adult male chicken.
18. **Run:**
An outdoor exercise area for chickens connected to a coop.
19. **Slaughter:**
The killing of animals, generally for food.
20. **Utility Easement:**
A right to use another's property for purposes of laying water and sewer lines, gas lines, or bringing in electric or telecommunications services.
21. **Vermin:**
Animals or insects which are difficult to control, prey on game and sometimes compete with humans or domestic animals for food.
22. **Waste:**
Anything rejected as useless, worthless, or in excess of what is required.
23. **Watertight:**
Closely sealed, fastened, or fitted so that no water enters or passes through.
24. **Winterized:**
Prepared to be functional in or to withstand cold weather.

B. Permit Required:

A permit issued by the Village of Hanover is required for the keeping of hens within the corporate limits of the Village of Hanover. An application fee of \$50.00 will apply for initial permit request and an annual permit fee for keeping chickens may be required. A permit approved in accordance with this chapter shall not be transferred to another owner upon the sale change on occupancy of the property to which it is issued and shall not be transferred to another property. An application for such permit must be made to the Village and must include the following information.

1. Number of hens to be kept.
2. A detailed site plan of the property showing the location and dimensions of the proposed coop and run, setbacks from coop and run to property lines and surrounding buildings including houses and buildings on adjacent lots. The site plan should include the location, style and height of all fencing proposed to contain the hens in a run or to provide privacy to the coop and run.
3. Specifications and sketch of the proposed coop and run including but not limited to, dimensions and exterior finish materials which will be used for the coop and run.
4. Portable coops and runs and prebuilt coops and runs are acceptable so long as they meet the requirements of this chapter.
5. Written document describing the planned method for disposing of feces, discarded feed, dead animals and all other waste associated with keeping hens.
6. Statements that the applicant will at all times keep the hens in accordance with all of the conditions of this chapter and it is understood that failure to obey such conditions will constitute a violation of the provisions of this chapter and will be grounds to permanently revoke the permit for keeping hens, remove all chickens owned, kept, or harbored by such person, and no part of the permit fee shall be refunded.
7. Written notice sent certified mail to any and all contiguous neighbor(s) of the proposed property of the chicken coop.
8. Any additional information the Village deems necessary to evaluate the application for compliance with this title and the Village Code.

C. Performance Standards:

1. Hens may only be permitted and kept on single family residential parcels containing one primary detached residential structure.
2. The owner of the hens must occupy the premises for which the permit is issued.
3. The owner of the hens for which the permit is issued shall at all times be responsible for the containment and care of the hens and the condition of the coop and run.
4. The maximum number of hens allowed to be kept on a property shall be five (5) hens.
5. The keeping of roosters is prohibited.

6. A coop for housing hens and a run for exercise shall be provided for the keeping of hens in accordance the provisions of this title and all other village regulations that may apply.
7. Adequate fresh feed and water shall be made available to hens at all times in a manner to prevent the water from freezing. Such feed and water shall be made unavailable to rodents and predators.
8. Hens shall be confined inside of a coop from sunset to sunrise each day to prevent attracting predators and to minimize noise.
9. All feed for hens shall be kept in a vermin proof and watertight container.
10. The coop and run shall be kept in a sanitary and odor free condition, including daily removal of feces and waste.
11. Feces, discarded feed and all other waste must be stored in a watertight, airtight, and vermin proof container until properly disposed.
12. All necessary steps shall be taken to prevent the attraction of predators, rodents, and the potential infestation of insects and /or parasites.
13. Any Health Inspector, Health Officer, Animal Control Officer, or Enforcing Agent may order the removal of hens upon a determination that the hens pose a health risk.
14. At such time hens are no longer kept, all facilities and equipment including but not limited to the coop and run shall be removed from the property within 30 days and the permit shall be deemed non valid by the Enforcing Agent.

D. Structure Requirements:

1. The coop and run shall be constructed in conformance with this chapter and any other requirements of any other ordinances, titles, chapters and codes of the Village of Hanover.
2. The interior floor space of the coop shall provide a minimum of two (2) square feet and maximum of five (5) square feet for each hen authorized by the permit.
3. A run shall be provided with sides and overhead fully enclosed by fencing, wire mesh, or netting with a minimum of five (5) square feet and maximum of ten (10) square feet per hen authorized by the permit. Such run shall be attached to the coop so as to provide controlled access between the coop and run.

4. The coop and run shall not exceed sixty (60) square feet in area including coop and run and shall not exceed sixty five (65) inches in height.
5. A minimum of one nest box for every three (3) hens shall be provided.
6. A roost shall be provided installed a minimum of twelve (12) inches from the wall and a minimum of two (2) inches off the floor.
7. The exterior of the coop shall be wood so long as the surfaces are finished for exterior use or the wood is of proven durability for exterior use such as cedar, fir, redwood or cypress. Alternative exterior residential products may be approved so long as the products resemble the common materials used in other residential structures and buildings in the neighborhood.
8. Adequate ventilation and/or insulation shall be used to maintain the coop temperature between 32-85 degrees Fahrenheit.
9. The construction of the coop, and the materials used to construct the coop and run must be adequate to prevent access by predators and vermin.
10. Only motion activated lighting shall be used to light the exterior of the coop. Such lighting shall not emit more than 800 lumens and shall be made as to not interfere with neighboring properties.
11. Any fencing surrounding the coop and run shall be the form of a residential style privacy fence with a minimum height of four (4) feet and maximum height of six (6) feet and shall be subject to all additional village regulations that may apply.

E. **Location Requirements:**

1. The coop and run shall be located only within a rear yard.
2. The coop and run shall be setback a minimum of twenty (20) feet from any side lot line and twenty (20) feet from any rear lot line except where a rear lot line adjoins an ally way. In such case whereas a rear lot line adjoins an ally way the minimum setback from the rear lot line shall be ten (10) feet.
3. The coop and run shall not be located within a drainage area and/ or utility easement.
4. The coop and run shall be located a minimum of thirty five (35) feet from any residential dwelling or living space including decks and patios located on abutting property.

5. The coop and run must be located closer to the principal dwelling upon the property to which the permit is issued than any other dwelling or living space including decks, porches and patios on an abutting property.

F. Prohibited Activities:

1. No chicken shall be permitted at any time to roam freely in any area outside of the coop and run.
2. Chickens shall not be kept or allowed at any time within a residential dwelling, accessory building or part thereof other than a coop and run as allowed by this title.
3. Eggs from chickens kept upon the property to which the permit is issued are for personal use and consumption by the occupants and shall not be offered for sale or sold.
4. The slaughter or butchering of chickens upon a residential property within the corporate limits of the Village of Hanover is prohibited.
5. The composting, broadcasting or burial of waste including dead chickens upon a residential property within the corporate limits of the Village of Hanover is prohibited.

G. Administration and Enforcement:

1. The Enforcing Agent of this chapter shall be any employee of the village designated by the Village President to exercise police powers in the enforcement of this chapter.
2. The Premises, including the primary dwelling, accessory structures and the chicken coop and run, for which the permit is issued in accordance with this chapter shall at all reasonable times be open to inspection by the Enforcing Agent to determine compliance with the requirements of this chapter and the Hanover Village Code.
3. The requirements and conditions set forth in this chapter are the minimum requirements and conditions to keep chickens and are intended to work in conjunction with all other ordinances, titles, chapters and codes of the Village of Hanover. When any requirement or condition of this chapter is in conflict with the requirement of any other ordinance, title, chapter, or code of the Village of Hanover, the requirement which is deemed most restrictive by the Enforcing Agent shall be considered valid and enforced as such.

4. This chapter shall not affect any private controls which are more stringent, including additional regulations or prohibitions on the keeping of chickens contained in private covenants. Nothing in this title shall affect the authority of any owner's association to adopt and enforce more stringent standards for the keeping of chickens, or to prohibit outright the keeping of chickens on any property within the jurisdiction of such association.
5. The Enforcing Agent shall have the authority to seize, impound and dispose of any chickens found at large within the Village corporate limits. Such seizure, impoundment and disposal shall not require notice to any owner or keeper, nor any attempt to locate the owner thereof.
6. Chicken facilities that are not kept or maintained in conformance with the requirements of this chapter and/or any other village ordinances, titles, chapters and codes of the Village of Hanover shall be deemed a public nuisance and the owner or custodian shall be given seven (7) days to rectify the conditions creating a public nuisance. If the owner or custodian has not rectified the conditions within seven (7) days of the date notice is provided, the Town may abate the nuisance and permanently revoke the permit for keeping hens, remove all chickens owned, kept, or harbored by such person, and no part of the permit fee shall be refunded.
7. The Enforcing Agent may permanently revoke any permit issued under this chapter if the person holding the permit refuses or fails to comply with this chapter, with any regulations promulgated by the Village Board of Trustees pursuant to this chapter or with any state or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within seven (7) days thereafter, remove all chickens owned, kept, or harbored by such person, and no part of the permit fee shall be refunded.

H. Penalty:

1. Any person violating any conditions of this permit shall reimburse the Village of Hanover for all cost borne by the Village to enforce the conditions of the permit including but not limited to the impounding or removal of chickens and the abatement of the nuisance.
2. Upon any violation of this Chapter, a fine shall be imposed not to exceed two-hundred fifty dollars (\$250.00) plus court costs.
3. In addition to all other costs, any person who violates any provision of this chapter may be punished by a fine as set forth in Title ____ Chapter ____ of the Village Code. Each day during any portion of which any violation of any provision of this Chapter is committed, continued or permitted by any such person shall be deemed a separate offense.

- The remedies contained in this section are cumulative and are in addition to all other remedies available to the Village.

WHEREAS, The Village Board intends to approve an ordinance which provides legal standards and requirements enabling residents to keep small domesticated chickens.

IT IS HEREBY ORDAINED that the Village of Hanover approves an Ordinance for Keeping Chickens.

All other terms and provisions of the original ordinance shall remain the same.

ROLL CALL VOTE:

YES VOTES: Lyle J. Ziegler
Don Lindner
Robert D. Gable
E. Mur

NO VOTES: Lorraine Spoor
D. [Signature]

ABSTAIN / ABSENT: N/A

Don Schaible
Don Schaible, Village President

Natasha Ritchie
Natasha Ritchie, Village Clerk