

VILLAGE OF ELWOOD

ORDINANCE NO. 1126

AN ORDINANCE AMENDING SECTION 91.05 OF THE VILLAGE OF ELWOOD'S CODE OF ORDINANCES TO ALLOW CHICKENS ON CERTAIN RESIDENTIAL PROPERTIES IN THE VILLAGE OF ELWOOD, WILL COUNTY, ILLINOIS

(Residential Chickens)

**PASSED AND APPROVED BY
THE PRESIDENT AND BOARD OF TRUSTEES
THE 6TH DAY OF MAY, 2020 .**

**Published in Pamphlet form
By the Corporate Authorities of the
Village of Elwood, Illinois on the
6th day of May, 2020**

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WHEREAS, the Village of Elwood, Will County, Illinois, (sometimes hereinafter "Elwood" or the "Village") is a home rule municipal corporation pursuant to Section 6 of Article VII of the Constitution of the State of Illinois; and

WHEREAS, a Home Rule Unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the Village has in full force and effect a codified set of those ordinances of the Village which are of a general and permanent nature, which said codified set is known and designated as the Village Code of the Village of Elwood, as amended; and

WHEREAS, the Village of Elwood's Municipal Code has prohibited the keeping of chickens on residential property; and

WHEREAS, it is in the best interests of the Village of Elwood and its residents that the proposed ordinance be adopted by the Village Board of the Village of Elwood.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF ELWOOD, WILL COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AND HOME RULE AUTHORITY, AS FOLLOWS:

SECTION 1. INCORPORATION That Section 91.05 of the Village of Elwood's Code of Ordinances is amended to include exhibit "A" as to the second paragraph of 91.05 (J).

SECTION 2. REPEALER All Ordinances and parts of Ordinances of the Village of Elwood in conflict with any of the provisions of this Ordinance, to the extent of such inconsistency and no further, are hereby repealed upon the effective date hereof.

SECTION 3. SEVERABILITY Should any section, subsection or other provision of this Ordinance for any reason be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not effect the validity of the Ordinance as a whole or any part not declared invalid.

SECTION 4. EFFECTIVE DATE This Ordinance shall be in full force and effect after its passage and approval and publication in pamphlet form.

PASSED by the Board of Trustees of the Village of Elwood, Will County, Illinois, this 6th day of May 2020, by the following roll call vote:

NAME	AYE	NAY	ABSENT	ABSTAIN
Trustee Tricia Maas	✓	—	—	—
Trustee Michael Varman	✓	—	—	—
Trustee Jodie Bertucci	—	✓	—	—
Trustee Joe Berscheid	✓	—	—	—
Trustee Darryl P. Lab	✓	—	—	—
Trustee Ron Schmidt	—	—	—	✓

APPROVED by Doug Jenco, as Village President of the Board of Trustees of the Village of Elwood, Will County, Illinois on this 6th day of May, 2020.



Doug Jenco
Village President
Village of Elwood, Will County, Illinois

(SEAL)
ATTEST:



Julie Friebele
Village Clerk
Village of Elwood, Will County, Illinois

STATE OF ILLINOIS)
) SS
COUNTY OF KENDALL)
AND WILL

CLERK'S CERTIFICATE

I, Julie Friebele, the duly qualified and acting Village Clerk of the Village of Elwood, Will Counties, Illinois, do hereby certify that I am the keeper of its books and records and that the attached hereto is a true and correct copy of an Ordinance entitled:

**AN ORDINANCE AMENDING SECTION 91.05 OF THE VILLAGE OF
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which Ordinance No. 1126 was duly adopted by said Board of Trustees at a regular meeting held on the 6th day of May, 2020, approved by the Village President on the 6th day of May 2020 and thereafter published in pamphlet form.

I do further certify in my official capacity, that a quorum of said Board of Trustees was present at said meeting and that the Board complied with all requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of May, 2020.



Julie Friebele, Village Clerk
Village of Elwood

(Seal)

Exhibit "A"

Provided, however that residential chickens are permitted in single family Residential Districts subject to the following regulations:

- a. Up to six (6) domestic hens may be kept on properties zoned and occupied for single family residential use.
- b. Roosters are prohibited.
- c. No person shall slaughter any chickens, except for humane or religious reasons.
- d. Hens shall be provided with a covered inside enclosure and an adjacent outside fenced area. The outside area shall be no less than 32 square feet in area.
- e. Enclosures and fenced areas shall be set back thirty (30) feet from any occupied residential structure, other than that of the owner, but not less than the minimum setback required for accessory structures in the zoning district.
- f. All structures shall be constructed and maintained in such a manner as to be free of rodent infestation.
- g. Electric service to enclosures shall not be provided by an extension cord.
- h. Hens shall be kept in the enclosure and fenced area at all times.
- i. All feed and other items that are associated with the keeping of chickens 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.
- j. All coops and chickens shall be kept in the rear yard.
- k. All areas where hens are kept shall be maintained in a neat and clean manner, free of undue accumulation of waste such as to cause odors detectable on adjacent properties.
- l. No person shall allow chickens to produce noise loud enough to disturb the peace of persons of reasonable sensitivity.
- m. A building permit shall be required for all enclosures. The fee for the building permit is \$70.00. A separate fence permit is required for any perimeter fencing if fencing does not exist.
- n. Construction standards for the Coop:

Foundations

- 1) Coops shall be constructed in a workmanlike manner, to be moisture resistant and either raised off the ground or placed on a hard surface such as concrete, patio block or gravel.
- 2) Wood posts or pre-cast concrete posts are acceptable foundations if they are placed at least 24 inches into the ground and firmly tamped with dirt or gravel. Wooden or pre-cast concrete posts may also be secured into the ground using anchor posts that are otherwise typically used for fencing or decks. Concrete must be used to secure the posts. All wood in contact with the ground must be pressure treated in accordance with AWPA or be decay resistant.

Wall and Roof Construction

- 1) Wall framing must consist of 2"x 4" studs at 16" on center. Floor and roof framing must consist of 2" x 4" joists and rafter at 24" on center.
- 2) Wall sheathing must be 3/8" thick, roof sheathing 3/8", floor sheathing 5/8".
- 3) Prefabricated Coops shall be allowed when in conformance with the building code requirements for accessory structures.

Fencing

- 1) Fencing must be made of either 1/2" or 1" welded wire.