



**City of Wilmington  
Ordinance & Licensing Committee  
Tuesday, December 13, 2016 at 6:00 p.m.**

**Location & Time**

Council Chamber  
Wilmington City Hall  
1165 S. Water Street  
6:00 p.m. 12/13/2016

**Ordinance & Licensing  
Committee Members**

Steve Evans, Co-Chair  
Kirby Hall, Co-Chair  
Larry Hall  
Fran Tutor  
Kevin Kirwin

**Agenda**

1. Call to Order
2. Approval of the November 10, 2016 Meeting Minutes
3. Old Business
  - a. Review An Ordinance Amending Provision of Chapter 90 of the Wilmington Code of Ordinances Related to Prohibited Animals and the Keeping of Chickens
4. Adjournment

*Posting Date  
12/9/2016 11:14 AM jjz*

**CITY OF WILMINGTON  
ORDINANCE & LICENSING COMMITTEE  
Thursday, November 10, 2016, 6:00 p.m.  
Wilmington City Hall, Council Chambers  
1165 S. Water Street**

**In Attendance**

**Committee Members**

Co-Chair, Alderman Kirby Hall  
Co-Chair, Alderman Steve Evans  
Alderman Larry Hall  
Alderman Kevin Kirwin  
Alderman Fran Tutor

**City Officials**

City Administrator Tony Graff  
City Attorney John Urban  
Executive Secretary Joie Ziller

**The meeting of the Ordinance & Licensing Committee was called to order at 6:00 p.m. by Alderman Evans.**

**Previous Meeting Minutes – October 11, 2016**

The minutes were reviewed. **Alderman Evans made a motion and Alderman Kirwin seconded to accept the September 13, 2016 Committee meeting minutes as written and have them placed on file.**

**Upon voice vote, THE MOTION CARRIED, 4 yes, 1 pass by Alderman Tutor**

**Old Business**

**1. Review Chicken Ordinances from Decatur, Naperville and Plainfield/Direction for Wilmington Ordinance**

The Committee reviewed the ordinances mentioned above as well as the City of Elgin. After some discussion the Committee requested that Attorney Urban draft an ordinance for review at the November 15, 2016 Finance, Administration and Land Acquisition Committee meeting and 1<sup>st</sup> Reading at the November 15<sup>th</sup> City Council meeting.

**Adjournment**

**With no further business before the Committee, Alderman L. Hall made a motion and it was seconded by Alderman Kirwin to adjourn. Upon voice vote, THE MOTION CARRIED unanimously and the meeting was adjourned at 6:27 p.m.**

Respectfully submitted,

Joie Ziller  
Executive Secretary

**ORDINANCE NO.**  
**1<sup>st</sup> Reading – 11/15/2016**  
**2<sup>nd</sup> Reading – 12/06/2016**

**AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 90 OF THE  
WILMINGTON CODE OF ORDINANCES  
RELATED TO PROHIBITED ANIMALS AND THE KEEPING OF CHICKENS**

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Wilmington as follows:

**SECTION 1:** That Article 90.102 of the Wilmington Code of Ordinances be, and hereby is, amended to read, as follows:

90.102 - Prohibited animals.

It shall be unlawful for any person to keep any animal other than those customarily used as pets unless such animal shall be certified in writing as safe by a licensed veterinarian and such animal shall be given a rabies shot if there is a possibility of rabies. In no event shall any person or family keep or maintain more than two such animals. In addition to the foregoing requirements, there must also be compliance with the following provisions:

- (A) Any person seeking to keep any animal not otherwise permitted under the provision of this chapter may apply for a variation from this section. The variation may be granted by the mayor and city council for such time and under such conditions as the city council may deem proper, providing that the board shall find that the granting of such variation would:
  - (1) Not substantially impair the value of surrounding property;
  - (2) Would not detrimentally affect the public health, safety, morals and welfare;
  - (3) Would not cause injury to the animals proposed to be kept;
  - (4) Would not alter the character of the neighborhood or result in a public or private nuisance.
  
- (B) An applicant for variance shall:
  - (1) Not less than seven days nor more than 30 days prior to the date set for consideration by the city council, serve written notice either in person or by first class mail on the last known taxpayers and/or property owner or owners of record as reflected in the county records of all property within 250 feet in each direction of the location for which the variance is requested; provided, however, the number of feet occupied by all public roads, streets, alleys or other public ways shall be excluded in computing the 250 foot requirement; and
  
- (C) The variation shall be granted by resolution of the mayor and city council.

(D) If a petition objecting to the proposed variation is signed by 20% of the property owners within 250 feet and presented to the city council, no such variation shall be granted except by a two-thirds vote of the corporate authorities.

(E) Notwithstanding the above, the keeping of chickens in full compliance with the provisions of Chapter 90.118 shall not constitute a violation of this Chapter 90.102.

**SECTION 2:** That Article 90.118 of the Wilmington Code of Ordinances be, and hereby is, enacted to read, as follows:

90.118 - Keeping of Chickens

(A) Definitions: Whenever the following words or phrases are used, they shall, for the purposes of this chapter, have the meaning ascribed to them in this section, except when the context otherwise indicates:

COOP: A structure housing hens consisting of a covered inside enclosure.

HEN: The female of the species Gallus gallus domesticus, commonly known as chickens.

PEN: An enclosure connected to a coop for the purposes of allowing chickens to leave the coop while remaining in an enclosed, predator safe environment.

(B) LIMIT TO NUMBER OF HENS PERMITTED: No person shall keep more than        hens. Roosters shall be prohibited.

(C) CONFINEMENT: All hens kept in the city shall be entirely confined in a pen, coop, building, or other enclosure at all times. During daylight hours hens may also be temporarily kept in a mobile screened enclosure commonly known as a chicken tractor. Such chicken tractors shall be located only in a rear yard in accordance with the structures-location restrictions provided for in this chapter. No chicken shall be kept inside a residence, with the exception that baby chicks less than eight (8) weeks old may be kept indoors until such time as it is fully feathered.

(D) STRUCTURES-LOCATION RESTRICTIONS: Structures housing hens including any pens, coops, buildings or enclosures shall be permitted only in conjunction with a single-family detached dwelling located in a residency zoned district. Structures housing hens including any pens, coops, buildings or enclosures shall be located only in a rear yard, erected or maintained at least twenty five feet (25') from any occupied residential structure other than that of the owner, set back at least six feet (6') from all property lines of an adjacent property and shall not be visible from any street.

(E) STRUCTURES REQUIREMENTS: Structures housing hens shall consist of a covered inside enclosure known as a coop and an adjacent covered outside fenced area known as a pen. Structures housing hens shall provide not less than ten (10) square feet per hen with coop size limited to not more than fifty (50) square feet and pen enclosures limited to not more than

one hundred (100) square feet. Coops shall be constructed to specifications as approved by the building department and must be placed either above ground or on a hard surface such as concrete, patio block or gravel and able to withstand natural forces such as wind, rain and snow. Wooden or precast concrete posts shall be acceptable foundations if they are placed at least twenty four inches (24") into the ground and firmly tamped with dirt or gravel. Wooden or precast concrete posts may also be secured into the ground using anchor posts that are otherwise typically used for fencing or decks. Any structure housing hens including any pen, coop, building or other enclosure that is not fully enclosed shall be screened to a height of six feet (6'). Said screening shall be comprised of fences or walls six feet (6') in height.

(F) MAINTENANCE OF SANITARY CONDITIONS: All pens, coops, buildings, yards or enclosures for hens shall be kept clean, sanitary and free from all refuse and waste. Such areas shall be thoroughly cleaned at least once every twenty four (24) hours and all refuse and chicken waste shall be disposed of in a clean and sanitary fashion.

(G) MISCELLANEOUS REGULATIONS:

(1) All feed for hens shall be kept in rodentproof containers until put out for consumption by the permitted hens being kept.

(2) Slaughtering of chickens is prohibited.

(3) Odors from chickens, chicken manure or other chicken related substances shall not be perceptible at the property boundaries of the property where the chickens are kept, and it is hereby declared a nuisance and shall be unlawful for any person to allow such nuisance to exist.

(4) No person shall allow chickens to provide noise loud enough to annoy or disturb the comfort, health, peace or repose of reasonable persons of ordinary sensibilities, and it is hereby declared a nuisance and shall be unlawful for any person to allow such nuisance to exist.

(5) Chickens shall be kept only for egg production or as pets.

(H) REMOVAL OF STRUCTURES: Structures housing hens including any pens, coops, buildings or enclosures shall be removed when no longer keeping chickens, upon the resident no longer occupying the property or upon a violation of this chapter.

(I) CONFLICT WITH PRIVATE COVENANTS: Nothing in this chapter shall be construed to permit the keeping of chickens when such activity is prohibited by private covenants, conditions or restrictions governing the use of property.

(J) A violation of this Chapter 90.118 or 90.112 (E) shall be punishable by a fine of up to \$750.00 for each day that a violation exists.

### **SECTION 3: SUNSET PROVISION**

This Ordinance and all rights granted herein to the keeping of chickens shall expire one year after the effective date of this ordinance.

**SECTION 4: SEVERABILITY**

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 5: EFFECTIVE DATE**

This Ordinance shall be in full force and effect upon its passage and approval in the manner required by law.

**PASSED** this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ with \_\_\_\_ members voting aye, \_\_\_\_ members voting nay, the Mayor voting \_\_\_\_\_, with \_\_\_\_ members abstaining or passing and said vote being:

John Persic, Jr.	_____	Kevin Kirwin	_____
Larry Hall	_____	Kirby Hall	_____
Fran Tutor	_____	Joe VanDuyne	_____
Steve Evans	_____	Frank Studer	_____

Approved this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
J. Marty Orr, Mayor

Attest:

\_\_\_\_\_  
Joie Ziller, Deputy City Clerk