

VILLAGE OF BRADLEY

ORDINANCE NO. 0-7-20-6

AN ORDINANCE AMENDING CHAPTER 60 (ZONING) OF THE CODE OF ORDINANCES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, TO PERMIT THE KEEPING OF CHICKENS AS AN ACCESSORY USE ON SINGLE-FAMILY RESIDENTIAL PROPERTIES WITHIN THE VILLAGE

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 13 DAY OF July, 2020

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley, Kankakee County, Illinois this 13 day of July, 2020

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AN ORDINANCE AMENDING CHAPTER 60 (ZONING) OF THE CODE OF ORDINANCES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, TO PERMIT THE KEEPING OF CHICKENS AS AN ACCESSORY USE ON SINGLE-FAMILY RESIDENTIAL PROPERTIES WITHIN THE VILLAGE

WHEREAS, the Corporate Authorities of the Village of Bradley, Kankakee County, Illinois, have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, pursuant to Article 11, Division 13 of the Illinois Municipal Code (65 ILCS 11-13-1, *et seq.*) the Corporate Authorities of the Village have authority to enact zoning ordinances that regulate land use within the Village; and

WHEREAS, the Corporate Authorities of the Village previously exercised this authority, enacting Chapter 60 (Zoning) of the Bradley Village Code (the “Bradley Zoning Ordinance”); and

WHEREAS, Section 60-18 of the Bradley Zoning Ordinance prohibits keeping chickens as an accessory use, whether or not for profit, within the Village; and

WHEREAS, the Corporate Authorities of the Village previously proposed an amendment to the Bradley Zoning Ordinance that would allow owners of single-family residential property within the Village to keep chickens as an accessory use (the “Proposed Amendment”); and

WHEREAS, the Proposed Amendment was submitted to the Planning and Zoning Commission (the “Plan Commission”) for its review and consideration and for the purposes of holding a public hearing thereon; and

WHEREAS, the Plan Commission held a public hearing to consider the Proposed Amendment on Tuesday, July 7, 2020, with notice having been properly given for the same, and at that time made all findings of fact required by and pursuant to the Village Code; and

WHEREAS, the Plan Commission has recommended that the President and Board of Trustees amend the Bradley Zoning Ordinance as set forth in this Ordinance; and

WHEREAS, the Plan Commission has supported its recommendation by setting forth its findings of fact in accordance with the requirements of the Village Code; and

WHEREAS, the President and Board of Trustees of the Village hereby approve and adopt the Plan Commission’s findings of fact; and

WHEREAS, the President and Board of Trustees of the Village have determined that amending the Bradley Zoning Ordinance as set forth in this Ordinance is in the best interests of the Village and its citizens.

NOW THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1. The Corporate Authorities hereby find that all of the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

SECTION 2. That a new Section 60-25 (Keeping Chickens) is inserted into Chapter 60 (Zoning), Article I (In General), as follows:

Sec. 60-25. - Keeping Chickens.

- (a) The owner or occupant of any residential property used solely for the purposes of a single-family residence may keep chickens as an accessory use thereto, subject to all conditions and restrictions set out in this Section. This specifically includes any and all properties that are presently legally used as single-family residential properties without regard to whether or not said property is a legal nonconforming use; however, nothing in this Section is intended or shall be construed as affecting, altering, expanding, or restricting the rights of the owner of any legally non-conforming property in the Village except to allow for the keeping of Chickens as stated above and subject to the requirements of this Section.
- (b) *Definitions.* Whenever the following words or phrases are used, they shall, for the purposes of this Chapter, have the meanings ascribed to them in this Section, except when the context clearly requires otherwise:
1. "Chicken" means any member of the species *Gallus gallus domesticus*, a type of domesticated fowl.
 2. "Chicken Tractor" means any non-fixed, mobile, and screened enclosure built and used for the purpose of allowing Chickens to be easily moved or relocated while remaining in a fully enclosed, predator-safe environment.
 3. "Coop" means any structure with a covered inside enclosure that is built and used for the purposes of housing Chickens.
 4. "Hen" means any female Chicken.
 5. "Pen" means any covered outside fenced structure connected to a coop and built and used for the purposes of allowing Chickens to leave the Coop while remaining in a fully enclosed, predator-safe environment.
 6. "Rooster" means any male Chicken.
- (c) *Number of Chickens Permitted.* No person may keep more than six (6) Hens on a single-family residential property. It is unlawful for any person to keep any Rooster within the Village.

- (d) *Confinement.* All Hens in the Village shall be kept at all times within a Coop, Pen, or other enclosure (such as a fully fenced yard) that complies with this Section. During daylight hours only, Hens may be temporarily kept in a Chicken Tractor. Any such Chicken Tractor shall be located at all times in a rear yard in accordance with all structures-location restrictions provided anywhere in this Chapter. No Chicken may be kept inside a residence, except that baby chicks that are less than eight (8) weeks old may be kept in any residence until they are fully feathered.
- (e) *Structures.* Structures housing Hens, including but not limited to Pens, Coops, or Chicken tractors, shall be permitted only as accessories to single-family dwellings, as set out in subpart (a) of this Section. All such structures shall be located only in a rear yard, erected or maintained as least twenty-five (25) feet from any occupied residential structure other than that of the owner, and set back at least five (5) feet from all property lines.
- (f) *Requirements.* Structures housing Hens shall provide not less than ten (10) square feet per Hen. No Coop built to house Hens shall exceed sixty (60) square feet. No Pen built to house and contain Hens shall exceed one hundred (100) square feet. All Coops shall be constructed to specifications as approved by the Community Development Director or his/her designee and must be elevated or placed upon a hard surface (such as concrete, patio blocks, 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 (24) inches 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.
- (g) *Maintenance of Sanitary Conditions.* All Pens, Coops, Chicken Tractors, buildings, structures, yards, and/or enclosures in which Hens are kept shall be kept clean, sanitary, and free from all refuse and waste. All chicken refuse and/or waste shall be disposed of in a clean and sanitary fashion.
- (h) *Miscellaneous Regulations.*
1. All feed for Hens shall be kept in rodent-proof containers until put out for consumption by the permitted Hens being kept.
 2. It is unlawful to slaughter Chickens within the Village in connection with the uses permitted by this Section.
 3. No person shall allow any Chicken to cause or create noise, odors, or other disturbances that are loud or malodorous enough to annoy or disturb the comfort, health, peace, or repose of reasonable persons of ordinary sensibilities. Any and all such noises and odors are hereby declared a nuisance and it is unlawful for any person to create, allow to persist, or refuse to abate such a nuisance upon demand.
- (i) *License and Permit.*
1. License Required. No person shall keep Chickens without first obtaining a license issued by the Village. No Pen, Coop, or other structure or enclosure for keeping Chickens may be erected unless a building permit for the same is first obtained from the Village's Department of Building and Standards.
 2. Process. An applicant for a license for the keeping of chickens and/or for a building permit for any Pen, Coop, or other structure or enclosure for keeping Chickens must submit an application that shall include, at a minimum, the following:

- i. All application forms required by the Village; and
 - ii. A plat of survey that accurately depicts the property for which the license is sought, as well as the proposed location for the Pen, Coop, or other structure or enclosure; and
 - iii. A license application fee in the amount of thirty dollars (\$30.00), as well as any required building permit fee; and
3. License Non-Transferable. No license issued pursuant to this Section shall be transferable to any other person. Licenses issued pursuant to this Section are not intended and shall not be construed as touching and concerning the land to which they apply, nor shall they be deemed to run with said land. In the event that the person to whom any license is issued pursuant to this Section ceases to occupy the property in question, their license shall be immediately and automatically rescinded, revoked, and withdrawn.
4. Annual Renewal. Every license issued pursuant to this Section shall continue in effect until the next April 30th after issuance. Every such license must be renewed on or before May 1st of each year, provided that no such license shall be renewed unless and until (1) the licensee pays a license renewal fee of thirty dollars (\$30.00) and (2) the licensee's property is inspected and passes such inspection.
5. Suspension and Revocation. In addition to any other penalty that may be authorized and available pursuant to this Section, any other part of this Code, or otherwise at law or in equity, the Community Development Director of the Village may suspend or revoke any license issued pursuant to this Section:
- iv. For any failure by the licensee to comply with any and all provisions of this Chapter, any other applicable Village ordinances, and/or the laws and regulations of the federal, state, or county governments; or
 - v. In the event that the licensee knowingly furnishes false or misleading information or knowingly withholds information relevant and material to any application for a license or building permit pursuant to this Section.

Provided that the licensee must first be given notice and an opportunity to be heard in their own defense. In the event that any licensee has their license revoked or suspended as set forth above, said licensee may appeal that decision to the Village Board in writing within thirty (30) days of date on which the licensee is actually notified of the Community Development Director's decision.

- (j) *Removal of Structures.* In the event that any person holding a license under this Section ceases to occupy the licensed property, has their license suspended or revoked as set forth above, or otherwise stops keeping Chickens on the licensed property, said licensee shall remove any and all Coops, Pens, or other structures or enclosures located on the property in question within thirty (30) days. This removal period may be extended by the Community Development Director, in his/her discretion, but only upon a written request by the licensee.
- (k) *Conflict with Private Covenants and Restrictions.* Nothing in this Section is intended to or shall be construed as permitting the keeping of Chickens on any property where such

activities are prohibited by any private covenant, condition, or restriction governing the use of the property.

- (l) *Penalty for Violations.* It shall be unlawful for any person to knowingly violate or refuse to comply with any provision of this Section. Any person convicted of knowingly violating this Section shall, in addition to any and all other legal and equitable remedies available to the Village, be fined an amount of not less than fifty dollars (\$50.00) nor more than seven hundred and fifty dollars (\$750). Each day on which a violation or refusal to comply occurs shall constitute a separate offense.
- (m) *Other Restrictions.* Nothing in this Section is intended or shall be construed as permitting any person to keep any Rooster or any other farm animal (including but not limited to swine, goats, sheep, cattle, and llamas) on any property located within the Village.
- (n) *Severability.* In the event that any provision or provisions, portion or portions, or clause or clauses of this Section shall be declared to be invalid or unenforceable by a court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Section that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

SECTION 3. That Chapter 60 (Zoning), Article I (In General), Section 60-18 (Accessory Building, Structures, and Uses) is hereby amended to read, in relevant part, as follows:

Sec. 60-18. - Accessory building, structures and uses.

- (a) Accessory uses shall be compatible with the principal use and shall not be established prior to the establishment of the principal use. No accessory use may include the keeping, propagation or culture of poultry, pigeons, or livestock, whether or not for profit, except that chickens may be kept as an accessory use if, and only if, all requirements of Section 60-25 are satisfied. In addition, Private swimming pools shall be a permitted accessory use in any residence district, provided it conforms with the regulations of this chapter and other applicable ordinances of the village.

* * *

SECTION 4. In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

SECTION 5. That all ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

SECTION 6. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 7. That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED by the Board of Trustees on a roll call vote on the 13 day of July, 2020.

TRUSTEES:

ROBERT REDMOND	Aye - <u> </u>	Nay - <u>✓</u>	Absent - <u> </u>
MICHAEL WATSON	Aye - <u>✓</u>	Nay - <u> </u>	Absent - <u> </u>
RYAN LEBRAN	Aye - <u>✓</u>	Nay - <u> </u>	Absent - <u> </u>
BRIAN BILLINGSLEY	Aye - <u>✓</u>	Nay - <u> </u>	Absent - <u> </u>
DARREN WESTPHAL	Aye - <u>✓</u>	Nay - <u> </u>	Absent - <u> </u>
BRIAN TIERI	Aye - <u> </u>	Nay - <u>✓</u>	Absent - <u> </u>

ACTING VILLAGE PRESIDENT:

MICHAEL WATSON Non-Voting - X

TOTALS: Aye - 4 Nay - 0 Absent - 0

ATTEST:



JULIE TAMBLING, VILLAGE CLERK

APPROVED this 13 day of July, 2020.



MICHAEL WATSON, ACTING VILLAGE PRESIDENT

ATTEST:



JULIE TAMBLING, VILLAGE CLERK

STATE OF ILLINOIS)
) §§
COUNTY OF KANKAKEE)

I, Julie Tambling, Village Clerk of the Village of Bradley, County of Kankakee and State of Illinois, DO HEREBY CERTIFY that the attached is a true, perfect, and complete copy of Ordinance number 0-7-20-6 "AN ORDINANCE AMENDING CHAPTER 60 (ZONING) OF THE CODE OF ORDINANCES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, TO PERMIT THE KEEPING OF CHICKENS AS AN ACCESSORY USE ON SINGLE-FAMILY RESIDENTIAL PROPERTIES WITHIN THE VILLAGE," which was adopted by the Village Corporate Authorities at a meeting held on the 13 day of July, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 13 day of July, 2020.

 (Deputy)

JULIE TAMBLING, VILLAGE CLERK

(SEAL)