

**Memorandum
Community Economic Development Department**



To: Randall Tweet, Interim City Manager
Subject: Ordinance Amendment to Allow Urban Chickens
Date: December 19, 2016

On October 24th the City Council established Division IV of Chapter 7, Article VI, of the Code of Ordinances permitting urban chickens in the City of Rock Island.

Under that Division chickens are only permitted in R-1, R-2, SE-1, and SE-2 residential districts.

Other districts R-3, R-4, R-5, and R-6 residential districts were excluded because urban chickens located on multi-family properties is not recommended by the City staff.

However, not all R-3, R-4, R-5, and R-6 zoned properties contain multi-family dwelling units.

This amendment adds those residential districts to permit urban chickens and retains language only permitting chickens on land with one operating single family dwelling unit.

RECOMMENDATION:

It is recommended that Council approve an amendment to Chapter 7, Article VI, Division IV, Section 7-184 of the Code of Ordinances to add the residential districts R-3, R-4, R-5 and R-6 to permit urban chickens on all properties within those zones that contain only one (1) single family dwelling and pass the Ordinance attached hereto.

Submitted by: Ryan Berger, Interim Planning & Redevelopment Administrator
Chandler Poole, Community & Economic Development Director
Approved by: Randall Tweet, Interim City Manager

A SPECIAL ORDINANCE AMENDING A SPECIAL ORDINANCE
AMENDING CHAPTER 7
OF THE CODE OF ORDINANCES OF
THE CITY OF ROCK ISLAND, ILLINOIS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCK ISLAND, ILLINOIS

Section One: Chapter 7, Article VI, Division IV, Section 7-184 of the Code of Ordinances of The City of Rock Island, Illinois, is hereby deleted in its entirety and the following inserted in lieu thereof:

“Section 7-184. Zoning Districts Allowed:

Permits will be granted only for tracts of land located in the following residential districts R-1, R-2, SE-1 and SE -2, as well as R-3, R-4, R-5 and R-6 with only one (1) single family dwelling.”

Section Two. All ordinances and parts of ordinances in conflict herewith are hereby repealed insofar as they do so conflict.

Section Three. This ordinance shall be in full force and effect 10 days after its passage and approval, as required by law.

MAYOR OF THE CITY OF ROCK ISLAND

EXHIBIT A

URBAN CHICKENS

Proposed Placement within the City Code: Chapter 7, Article VI, Division IV

Section 7-181. Definitions:

Chicken: A member of the subspecies *Gallus gallus domesticus*, a domesticated fowl.

Chicken Tractor: A lightweight portable chicken coop without a floor that allows the chickens to forage for weeds and insects.

Henhouse: A hen house or chicken coop is a structure where female chickens are kept.

Permitting Officer: The City Manager or designee.

Permittee: An applicant who has been granted a permit to raise, harbor, or keep chickens pursuant to this Division.

Permitted Tract of Land: The tract of land as identified on the application upon which a permit is granted for keeping chickens pursuant to this Division.

Single Family Dwelling: Any building that contains only one dwelling unit that is used, intended, rented, leased, let or hired to be occupied for living purposes.

Tract of Land: A 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 Chapter.

Section 7-182. Permit Required:

- (a) Permit Required. No person shall raise, harbor or keep chickens within the City of Rock Island without a valid permit obtained from the Permitting Officer under the provisions of this Division.
- (b) Application. In order to obtain a permit, an applicant shall submit a completed application on forms provided by the Permitting Officer, either on-line or in paper form, and pay all fees required by this Division.
- (c) Requirements. The requirements to receive of a permit include:
 - 1) All requirements of this Division are met.
 - 2) All fees, as may be provided for from time to time by city council resolution, for the permit are paid in full.
 - 3) All judgments in the City's favor and against the applicant have been paid in full.
 - 4) The tract of land to be permitted shall contain only one single family dwelling occupied and used as such by the permittee. Owner permission shall be required if the single family dwelling is occupied by a renter.
 - 5) The applicant has provided notice to the residents of all immediately adjacent dwellings, including those across the street and/ or alley) of the applicant's intent to obtain a permit.
 - 6) The applicant has successfully completed an approved class in raising chickens in an urban setting. A certificate, or other documentation, of completion shall be provided to the Permitting Officer. The Permitting Officer shall maintain a current list of such approved classes.
- (d) Issuance of Permit. If the Permitting Officer concludes as a result of the information contained in the application that the requirements for a permit have been met, then the Officer shall issue the permit.
- (e) Denial, suspension, revocation, non renewal. 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 resolution;
 - 3) Failure to correct deficiencies noted in notices of violation in 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.
 - 5) Failure to comply with any provision of this Division.
- (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 Denial or Revocation. When an application for a permit is denied, or when a permit is revoked, the applicant may not re-apply for a new permit for a period of 1 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 city council within ten (10) 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 Permitting Officer which is not appealed in accordance to this Division shall be deemed final action. All final administrative decisions made under this Article shall be subject to judicial review, pursuant to the provisions of the "administrative review act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

Section 7-183. Number and Type of Chickens Allowed:

- (a) The maximum number of chickens allowed shall be six (6) hens.
- (b) Only female chickens (hens) are allowed.

Section 7-184. Zoning Districts Allowed:

Permits will be granted only for tracts of land located in the following residential districts R-1, R-2, R-3, R-4, R-5, R-6, SE-1 and SE-2.

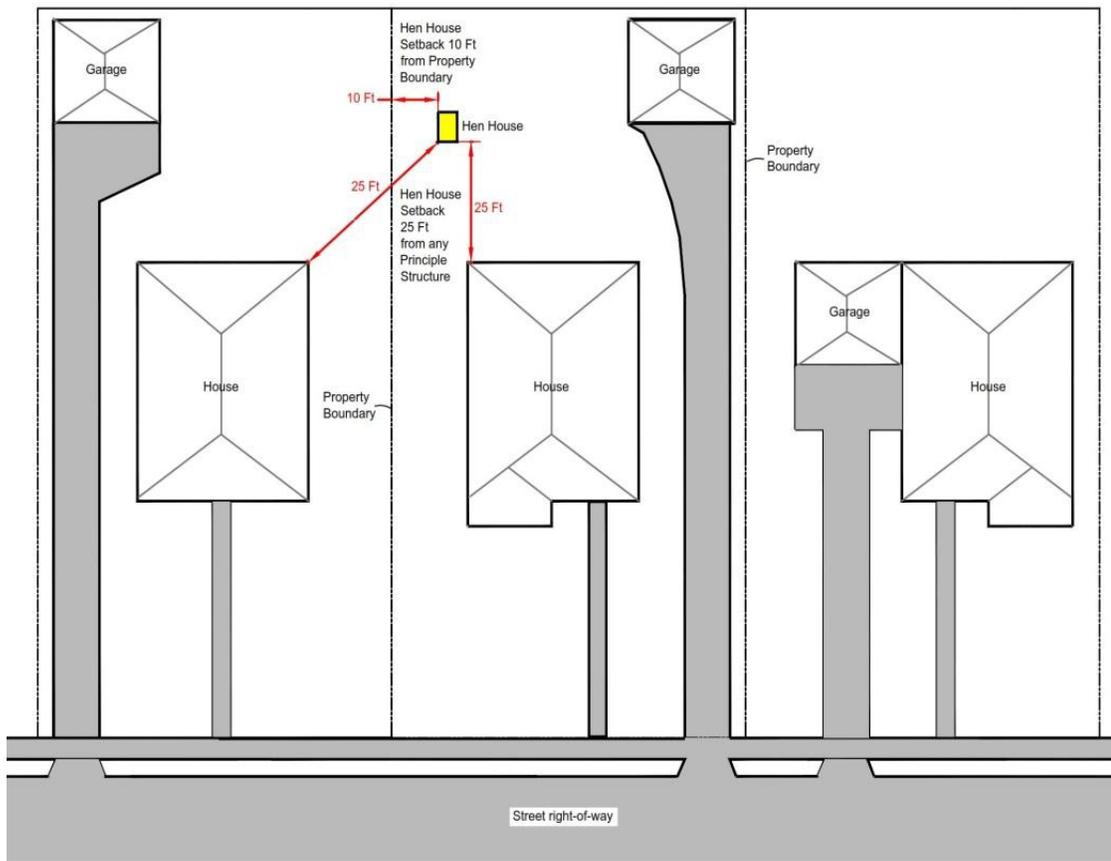
Section 7-185. Non-Commercial Use Only:

A permit shall not allow the permittee to engage in chicken breeding or fertilizer production for commercial purposes.

Section 7-186. Enclosures:

- (a) Chickens shall be kept in an enclosure or fenced area at all times. Chickens shall be secured within a henhouse or chicken tractor during non-daylight hours.
- (b) Enclosures shall be kept in a clean, dry, odor-free, neat and sanitary condition at all times.
- (c) Henhouses shall provide adequate ventilation and adequate sun and shade and shall be impermeable to rodents, wild birds and predators, including dogs and cats.
- (d) Henhouses and chicken tractors.

- 1) Henhouses shall be designed to provide safe and healthy living conditions for the chickens with a minimum of four (4) square feet per bird while minimizing adverse impacts to other residents in the neighborhood.
- 2) A henhouse shall be enclosed on all sides and shall have a roof and doors. Access doors shall be able to be shut and locked at night. Opening windows and vents shall be covered with predator and bird proof wire of one (1) inch or smaller openings.
- 3) The materials used in making a henhouse 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. Henhouses and chicken tractors shall be well maintained.
- 4) Henhouses shall only be located in the rear yard unless the setback requirements cannot be met in which case they may be kept in a side yard but within the required setbacks.
- 5) Henhouses and chicken tractors shall be located at least ten (10) feet from the property line and at least twenty-five (25) feet from any principal structure, and shall meet all other accessory structure provisions of the Zoning Ordinance.



Section 7-187. Odor and Noise Impacts:

- (a) Odors from chickens, chicken manure or other chicken related substances shall not be perceptible to persons of reasonable sensitivity 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.

Section 7-188. 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 a Rock Island Animal Control Officer.

Section 7-189. Feed and Water:

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

Section 7-190. Waste Storage and Removal:

All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three (3) 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 henhouse, chicken tractor, chicken pen and surrounding area shall be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

Section 7-191. Chickens at Large:

- (a) The Permittee shall not allow the Permittee's chickens to roam off the permitted tract of land. No dog or cat or other domesticated animal which kills a chicken off the permitted tract of land will, for that reason alone, not be considered a dangerous or aggressive animal or the city's responsibility to enforce its animal control provisions.

Section 7-192. Unlawful Acts:

- (a) It shall be unlawful for any person to keep chickens in violation of any provision of this Division or any other provision of the City Code.
- (b) It shall be unlawful for any owner, renter or leaseholder of property to allow chickens to be kept on the property in violation of the provisions of this Division.
- (c) No person shall keep chickens inside a dwelling unit or any other structure than an approved henhouse or chicken tractor.
- (d) No person shall slaughter any chickens within the City of Rock Island.
- (e) No person shall keep a rooster.
- (f) No person shall keep chickens on a vacant or uninhabited tract of land.

Section 7-193. Nuisances:

Any violation of the terms of this Division that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance and may be abated under the general nuisance abatement provisions of Chapter 7, Article IX of the City Code.