DATE: October 6, 2015
TO: Committee of the Whole – CS
FROM: Joel Strassman, Planning and Zoning Officer
SUBJECT: Ordinance 15-45: Amending Municipal Code Title 5 Related to Keeping of Chickens

Summary: Montessori Academy wishes to build and maintain a chicken coop on its campus on South River Street. Attached is a letter from Jocelyn Scotty, Head of Montessori Academy explaining the educational goals of this request. Attached draft Ordinance would amend the Municipal Code to expand the allowance for keeping of chickens on single family properties to school properties.

Background: In 2011, the Municipal Code was amended to allow occupied single family residences in single family zoning districts to have a chicken coop and keep up to 8 hens. The City has issued 20 building permits for chicken coops. Most have been completed and have operated with few complaints.

On September 15, the Committee of the Whole (COW) discussed Ms. Scotty’s request. The discussion included comments identifying benefits of keeping chickens. Other comments question whether the Municipal Code address the sale of eggs from kept chickens and coop size requirements. The COW directed staff to prepare amendments to Municipal Code that would allow and regulate the keeping of chickens on school properties.

The Municipal Code does not address egg sales. State law allows for eggs to be sold by the chickens’ owners on the owner’s premises. Sales off premises (such as at a farmer’s market) or for subsequent sale or institutional use must first be inspected by the State Department of Agriculture. The Municipal Code does not regulate coop sizes. Suggested coop sizes range from 2-4 square feet per bird. There are diminishing returns with more space per bird since body heat warms the coop. The Municipal Code does not set standards for housing for other animals and staff is not recommending one be set for chickens. The COW did not provide direction to include such regulation.

Ordinance 15-45 proposes amendments to allow coops on school properties zoned PFI Public Facilities and Institutional. The same 8 hen maximum, feed storage security, and fenced outdoor run area as residential coops would apply. The coop and fenced area would need to be setback at least 150 feet from streets and not placed between the school building and the street. The coop would need to be set back at least 30 feet from any occupied structure on an adjacent property.

Alternatives
1. Recommend approval of Ordinance 15-45 as presented. With City Council approval, this would and regulate keeping of chickens on school properties zoned PFI.
2. Recommend approval Ordinance 15-45 with added revisions per COW consensus. Revisions could address chicken coop and fenced area standards, number of chickens allowed, and/or sale of eggs.
3. Recommend denial of Ordinance 15-45. This would have no effect on current regulations that allow chickens only on certain residential properties.

Pros: Allowing schools to keep chickens would increase students’ educational and developmental opportunities.

Cons: There are potential impacts to surrounding properties. Residents of abutting properties are most likely to be impacted by the keeping of chickens.

Budget and Staff Impacts: Minimal.

Timeline for Action: There is no specific timeline.
**Recommendation:** Staff recommends the COW recommend approval of draft ordinance 15-45 as presented.

Attachments
1. Draft Ordinance 15-45
2. Letter to Joel Strassman from Jocelyn Scotty, with chicken coop information

City
- Mayor
- Department Heads
- City Attorney
- Media
CITY OF BATAVIA, ILLINOIS
ORDINANCE 15-45
AMENDING TITLE 5 OF THE MUNICIPAL CODE
RELATING TO ALLOWING CHICKENS ON CERTAIN
RESIDENTIAL PROPERTIES IN THE
CITY OF BATAVIA

ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 2ND DAY OF NOVEMBER, 2015

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 3rd day of November, 2015

Prepared by:
City of Batavia
100 N. Island Ave.
Batavia, IL 60510
CITY OF BATAVIA, ILLINOIS
ORDINANCE 15-45
AMENDING TITLE 5 OF THE MUNICIPAL CODE
RELATING TO ALLOWING CHICKENS ON CERTAIN
RESIDENTIAL PROPERTIES IN THE
CITY OF BATAVIA

WHEREAS, the City of Batavia's Municipal Code had for many years prohibited the keeping of chickens in the City limits; and

WHEREAS, in 2011, the City Council, in response to citizen request, adopted Ordinance 11-04 that amended the Municipal Code to permit the keeping of chickens on certain residential property; and

WHEREAS, few negative effects have been experienced with keeping of chickens on residential property; and

WHEREAS, the City received a request to permit keeping of chickens on a private school property; and

WHEREAS, the City recognizes the educational and developmental opportunities that caring for chickens provides to students; and

WHEREAS, the City Council has found that applying similar rights and restrictions for keeping of chickens on residential properties is appropriate to extend to school properties; and

WHEREAS, the City Council’s Committee of the Whole has voted to recommend approval of Ordinance 15-45 to the City Council; and

WHEREAS, the City Council has reviewed the recommendation of the Committee for changes to Municipal Code Title 5; and

WHEREAS, it is in the best interests of the City of Batavia and its residents that the proposed ordinance be adopted by the City Council of the City of Batavia.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Batavia, Kane and DuPage Counties, Illinois:

SECTION 1: That the following Sections of Municipal Code Section 5-4B-7: STANDARDS FOR KEEPING OF CHICKENS be amended to read as follows:

5-4B-7-A. Up to eight (8) domestic hens may be kept only on properties zoned and occupied for single-family residential use or zoned PFI Public Facilities and Institutional and occupied by Schools, Public and Private, as defined in Title 10 herein, only.

5-4B-7-E. The enclosures and adjacent fenced area shall be set back:
1. A minimum of one hundred and fifty feet (150’) from all streets and located not between the principal structures and adjacent streets on properties zoned PFI;

2. Thirty feet (30’) from any occupied residential structure on an adjacent property, other than that of the owner; but

3. Not less than the minimum property line setback required for accessory structures in the zoning district.

5-4B-7-K. All chickens shall be kept in the rear yard on residential properties.

SECTION 2: That the following Subsection of Municipal Code Section 5-4B-8: REGISTRATION AND PENALTIES FOR CHICKENS be amended to read as follows:

5-4B-8-B. The registration form shall include written permission for any building division staff member to access the rear yard of the residence or to access the school property for the purpose of verifying compliance with this code on a periodic basis. The form shall also acknowledge receipt of a copy of the standards set forth in section 5-4B-7 of this article by person registering.

SECTION 3: That this Ordinance 15-45 shall be in full force and effect upon its presentation, passage and publication according to the law.

PRESENTED to and PASSED by the City Council of the City of Batavia, Illinois, this 2nd day of November, 2015.

APPROVED by me as Mayor of said City of Batavia, Illinois, 2nd day of November, 2015.

_________________________________
Jeffery D. Schielke, Mayor
CITY OF BATAVIA ORDINANCE 15-45

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Mayor Schielke

VOTE: Ayes Nays Absent Abstention(s)
Total holding office: Mayor and 14 aldermen

ATTEST:

_________________________________________________________________
Heidi Wetzel, City Clerk
August 4, 2015

Joel Strassman  
Planning and Zoning Officer  
City of Batavia  
100 N. Island Avenue  
Batavia, IL 60510

Dear Joel,

Montessori Academy, a not-for-profit school located at 595 S. River Street, Batavia since 1971 would like to add a chicken coop to its’ 6 acre campus for educational purposes with our students ages 3-14.

**Educational Mission**

Montessori Academy provides students with an authentic Montessori educational philosophy that provides hands-on real world activities to build foundational skills. A focus on the natural world and our environment is large part of our curriculum. Meaningful activities that focus on how we care for and live in harmony with plants and animals in our world are a part of daily life for a student at Montessori Academy. Currently, our students plant and tend organic gardens, utilize composters to reuse organic waste, care for classroom pets, utilize our nature trails alongside the fox river to collect specimens for scientific experiments and monitor our solar panel to record energy savings and usage.

Montessori Academy would like to add a chicken coop to its’ campus to further develop our student’s opportunities for hands-on experience with the natural world, specifically calling attention to where our food comes from and how we care for our animals affects the food they provide us. Specifically, the students will have the opportunities and responsibilities to do the following daily and weekly activities:

**Daily Schedule: Care and Egg Collection**

1. **Morning Care (9:00am):** Cleaning of coop, providing food and water and egg collection
2. **Afternoon Care (2:30pm):** Cleaning of coop, providing food and water and egg collection
3. **Egg Sales:** Older students will be responsible for Egg Sales twice a week to our enrolled families only. They will set up a sign up system, calculate the costs, determine the price, advertise and promote, package the eggs, deliver at pick up time and collect payment.
4. **Weekend and Break Care** will become part of our currently established parent volunteer sign up
**Location of Chicken Coop**

Montessori Academy’s “backyard” is currently home to our student playgrounds, sports fields, organic garden and composters. For the safety of the chickens and the ease of incorporating chicken care into our daily class schedules we would like to locate the chicken coop in a sheltered area in between our two largest buildings on the campus, the “Primary” building and our “Lower Elementary” building. The coop will be located immediately north of the Primary building as seen on the drawing. This location will allow us to run electricity to the chicken coop, provide an easy and safe walk for the students (especially in the winter), transport fresh water, and provide a quiet sheltered area away from the open fields. This location provides adequate distance from neighboring properties and adjacent streets. From the street, our campus is visible from the parking lot entrance and exit only as we have large shrubs lining the street, so the chicken coop will not be visible from the street. If necessary, however, emergency responders would have an easy view and access once on campus.

**Style and Size of Chicken Coop**

Montessori Academy will purchase the Extra Large Chicken Coop and Run from efowl.com:

[http://www.efowl.com/Extra_Large_Backyard_Coop_with_Nest_Box_and_Run_p/305-1014.htm](http://www.efowl.com/Extra_Large_Backyard_Coop_with_Nest_Box_and_Run_p/305-1014.htm)

We will start with the purchase of 4 juvenile hens for the first year and add 2-4 more the second year. We will limit our total number to 8 or less. A document of the photo and dimensions of the Chicken Coop that will be installed is provided.

**Additional Chicken Care**

Heat lamps in the roosting area will be installed for use whenever the outdoor temperature is below 20 degrees. Tarps will be wrapped around the outside of the coop in the winter months as needed to provide insulation. A padlock will be installed at the top of the walk-in door to provide safety and security. Food pellets and pine shavings will be stored in a separate locked storage bin next to the coop. Fresh veggies and other perishable chicken food will be kept in a dedicated and labeled area in the refrigerator in the Primary building kitchen. Collected eggs will also be stored in a dedicated and labeled area of the same refrigerator.

**Health and Safety**

To ensure the health and safety of the students/staff and parent volunteers the following protocol will be followed:

1. Wash hands before and after caring for hens or collecting eggs. Gloves will be available for use.
2. Boots must be worn inside the chicken coop. Rubber boots will be available for use.
3. An adult must be present with students at all times. No more than 2 students per adult.
4. The door to the coop must be re-latched closed upon entering the coop.
5. Adults and students must walk slowly and quietly both around and inside the coop.
6. No petting, picking up or touching of the hens.
7. No putting face near hens.
8. No hand feeding.
9. Eggs must be refrigerated immediately upon collection.

Effects on Surrounding Properties

No negative effects are expected to surrounding properties. The location of the coop ensures very minimal noise, sight or odor issues for our neighbors.

Thank you for considering our request and look forward to hearing from you soon.

Regards,

Jocelyn Scotty
Head of School
Montessori Academy
595 S. River Street
Batavia, IL 60510
630-879-2586
Jocelyn@montessoribatavia.com
www.montessoribatavia.com
Dimensions:

- Overall size: 95 1/2"L x 102 1/2"W x 74 5/8"H
- Front Door Entrance: 24"W x 68"H
- Back Door Opening: 20 3/4"W x 24 1/4"H
- Side Doors: 27 1/2"W x 21 1/4"H
- Interior Living Area: 29 3/4"L x 69 1/2"W x 25 - 47 1/2"H (sloped)
- Nesting Box Sizes: 26 1/4"L x 13"W x 5 1/2 - 13 1/2"H (sloped)
- Interior of Run: 61"L x 68 1/2"W x 49 - 73"H (sloped)
- Additional Run Space Under Living Area: 29 1/2"L x 68 1/2"W x 22 3/4"H
- Capacity: Approximately 6-10 Hens
5-4B-1: KEEPING OF ANIMALS RESTRICTED

It shall be unlawful to keep or maintain horses, ponies, mules, cattle, sheep, goats, fowl and poultry other than eight (8) domestic hens, or swine within the city limits at a distance less than two hundred feet (200') from any residence, or any building used in part for a residence, except the residence of the owner or keeper thereof; or at a distance of less than two hundred feet (200') from a lot zoned for residence purposes, or from any street or alley of the city. Any person violating or neglecting or refusing to comply with this section shall, upon conviction thereof, be fined not more than five hundred dollars ($500.00) for each offense; and a separate offense shall be deemed to be committed on each day during or on which a violation occurs or continues. Any person who shall violate this section shall be held as maintaining a nuisance. (1972 Code § 91.999; amd. 1986 Code; Ord. 91-46, 7-1-1991; Ord. 11-04, 5-16-2011)

5-4B-2: NONDOMESTICATED ANIMALS:

A. No person shall confine in any cage, pen or other enclosure, either in or outside a dwelling or other building, any live animal or live reptile of any species which is of the class of ferae naturae or nondomesticated.

B. Pet stores within the city are exempt from subsection A of this section, except for the keeping of certain animals or reptiles as stated in subsection C of this section.

C. No person, business association or corporation may keep any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, hyena or coyote, or any poisonous reptile in any place other than properly maintained zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge.

D. It is no defense to a violation of this section that the keeper of any animal or poisonous reptile which is prohibited by subsection C of this section has attempted to domesticate such animal or poisonous reptile.

E. The keeping of any such animal or reptile prohibited above shall be deemed a nuisance and shall be subject to summary abatement by any police officer or animal control officer.

F. Exhibitions or parades of animals which are ferae naturae in the eyes of the law may be conducted, kept or harbored within the city only after securing a permit from the chief of police. (Ord. 84-20, 7-2-1984)

5-4B-3: CRUELTY TO ANIMALS:

No person shall cruelly treat any animal in the city in any way and any person who inhumanely beats, underfeeds, overloads or abandons any animal shall be deemed guilty of a violation of this section. (1972 Code § 91.105)

5-4B-4: DANGEROUS ANIMALS:

It shall be unlawful to permit any dangerous or vicious animal of any kind to run at large within the city. Exhibitions or parades of animals which are ferae naturae in the eyes of the law may be conducted only upon securing a permit from the chief of police. (1972 Code § 91.110)

5-4B-5: NOISES BY ANIMALS:

It shall be unlawful to harbor or keep any animal which disturbs the peace by loud noises at any time of the day or night. (1972 Code § 91.115)

5-4B-6: PENALTY:

Any person violating this article or neglecting or refusing to comply with any of the provisions hereof shall be fined not more than five hundred dollars ($500.00) for each offense. (1972 Code § 91.999; amd. 1986 Code)

5-4B-7: STANDARDS FOR KEEPING OF CHICKENS:

A. Up to eight (8) domestic hens may be kept only on properties zoned and occupied for single-family residential use or zoned PFI Public Facilities and Institutional and occupied by Schools, Public and Private, as defined in Title 10 herein, only.
B. Roosters are prohibited in the city limits.

C. No person shall slaughter any chickens in the city limits, except for humane reasons.

D. Hens shall be provided with a covered inside enclosure and an adjacent covered outside fenced area. The outside fenced area shall be no less than thirty two (32) square feet in area.

E. The enclosures and adjacent fenced area shall be set back:

1. A minimum of one hundred and fifty feet (150') from all streets and located not between the principal structures and adjacent streets on properties zoned PFI;

2. Thirty feet (30’) from any adjacent occupied residential structure on an adjacent property, other than that of the owner; but

3. Not less than the minimum property line setback required for accessory structures in the zoning district.

F. All enclosures shall be constructed and maintained in such a manner as to be free of rodent infestation.

G. A building permit shall be required for all enclosures. The permit fee shall be the same as for a shed.

H. Electric service to enclosures shall not be provided by an extension cord or cords.

I. Hens shall be kept in the enclosure and fenced area at all times.

J. All feed and other items that are associated with the keeping of chickens that are likely to attract or to become infested with rats, mice or other 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.

K. All chickens shall be kept in the rear yard on residential properties.

L. 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.

M. No person shall allow chickens to produce noise loud enough to disturb the peace of persons of reasonable sensitivity, and it is hereby declared a nuisance and shall be unlawful for any person to allow such nuisance to exist. (Ord. 11-04, 5-16-2011)

5-4B-8: REGISTRATION AND PENALTIES FOR CHICKENS:

A. All persons keeping chickens in the city shall register with the code compliance officer prior to acquiring the chickens. Registration shall be on a form established by the community development department. Registration forms will not be accepted until the enclosure has passed a final inspection by the building division. Persons having chickens as of the effective date hereof shall have thirty (30) days to bring their property into compliance with this article.

B. The registration form shall include written permission for any building division staff member to access the rear yard of the residence or school property, for the purpose of verifying compliance with this code on a periodic basis. The form shall also acknowledge receipt of a copy of the standards set forth in section 5-4B-7 of this article by person registering.

C. There shall be no fee charged for registration.

D. Failure to notify the code compliance officer in accordance with subsection A of this section or failure to allow an inspection in accordance with subsection B of this section shall constitute a violation of this code and shall be punishable by a fine of no more than one hundred dollars ($100.00) plus hearing costs, the amount to be established by the code hearing officer.
E. Violation of any standard in section 5-4B-7 of this article shall be punishable by a fine not to exceed one hundred dollars ($100.00) plus court costs, such fine to be established by the code hearing officer. Each day a violation continues shall be considered a separate offense.

F. Three (3) violations of this section and sections 5-4B-7 and 5-4B-9 of this article on a property within any twelve (12) month period shall result in loss of permission to keep chickens on the property. Keeping of chickens after permission has been revoked shall be punishable by a fine not to exceed seven hundred fifty dollars ($750.00) plus court costs, such fine to be established by the code hearing officer. Each day a violation continues shall be considered a separate offense. (Ord. 11-04, 5-16-2011)

5-4B-9: CONFLICT WITH PRIVATE COVENANTS:

Nothing in this article 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, or by rules, regulations or orders issued by the Illinois department of public health or the Kane County health department. (Ord. 11-04, 5-16-2011)