
AGENDA SUPPLEMENT

TO: Mayor Bart and Village Board

FROM: Douglas K. Maxeiner, Village Administrator

FOR: January 17, 2017 Regular Village Board Meeting

**RE: Discussion of Proposed Regulations Allowing Backyard Hens in
Certain Residential Areas in the Village of Wauconda**

Background. The License and Administration Committee have discussed backyard chickens on several occasions after receiving requests from a number of residents to allow them in Wauconda. The Committee reviewed a number of ordinances in other communities and looked at the pros and cons of such an ordinance. The Committee has reviewed a draft ordinance and is recommending that the proposed ordinance go to the entire Village Board for discussion.

Analysis. The proposed ordinance would allow hens at single family residences in the R-1, R-2, and R-3 zoning districts and allow them in the R-4 and R-5 districts if the lot size is 7,300 square feet or more. The maximum number of hens is four per lot and roosters are prohibited. The hens are to be contained in a chicken coop and run. Regulations are proposed for the size, placement, and construction materials for the coops and runs. Odors are to be kept to a minimum with the regular removal of hen waste and odors emanating to adjoining properties is prohibited.

Correspondence from several residents has been received. In addition to the initial requests to consider the ordinance, a letter of support and six letters of opposition have been received which are enclosed. Also attached is a listing of communities that had approved backyard hens as of February 26, 2015. Among our neighbors, Crystal Lake, McHenry, Prairie Grove, Fox River Grove, Algonquin, Barrington, Libertyville, Round Lake, Round Lake Beach, Mundelein, and Arlington Heights prohibit backyard hens. Fox Lake, West Dundee, Deerfield, Grayslake, Northbrook, Long Grove and Volo allow backyard hens. In discussions with Volo, Grayslake, and Fox Lake, few complaints have been received in the short time they have been allowed in these communities. The few complaints they have received have been focused on roosters which were mistakenly purchased as hens.

Recommendation. The License and Administration Committee recommends discussion of the proposed ordinance.

**AN ORDINANCE
AMENDING CHAPTER 96 OF TITLE IX OF THE CODE OF WAUCONDA
REGULATING BACKYARD HENS IN RESIDENTIAL AREAS**

WHEREAS, an increasing number of citizens want to raise chickens in urban environments as pets or for sustenance farming; and

WHEREAS, when cared for properly, backyard hens are clean, quiet, and safe pets and a reliable food source producing nutritious eggs for human consumption; and

WHEREAS, Village Code currently prohibits livestock in residential zoning districts;
and

WHEREAS, the Wauconda Village Board has determined that allowing backyard hens contributes to the health, safety and general welfare of residents.

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of Wauconda, Illinois, as follows:

SECTION I: That Section 96 of Title IX of the Code of Wauconda entitled "ANIMALS" is amended to read as follows, where strike out (~~delete~~) indicates deletion of text and double underline (insert) indicates insertion of text:

§ 96.07 BACKYARD HENS.

(A) General Regulations. Backyard hens may be allowed in residential zoning districts subject to the following regulations.

- (1) Single-Family Parcels. Only single family, detached dwellings are eligible to have backyard hens. Backyard hens are prohibited for those parcels with duplex, town homes, condominiums, apartments or other non-single family structures.
- (2) Vacant parcels. No backyard hens shall be allowed on vacant parcels. Backyard hens shall not be allowed on parcels with vacant structures.
- (3) Lot size. Backyard hens may be allowed on parcels with single family dwellings in the R-1, R-2 or R-3 Zoning Districts. Backyard hens may be allowed on parcels with single family dwellings in the R-4 and R-5 Zoning Districts if the lot size is 1/6th of an acre (7,300 square feet) or more.
- (4) Maximum Number. The maximum number of backyard hens may not exceed four (4) per occupied, single family lot in a residential district.
- (5) Roosters Prohibited. Roosters are prohibited in any zoning district except the Agricultural District.
- (6) Slaughtering Prohibited. The on-site slaughtering of hens is prohibited within the Village of Wauconda.

DRAFT

- (7) Registration. Any individual keeping hens within the Village limits must register with the Illinois Department of Agriculture and be able to show documentation or proof of registration upon request by the Village Administrator or his designee.
- (8) Sale of eggs. The sale of eggs produced by backyard hens is prohibited in residential zoning districts.
- (9) Storage of Food. Feed for hens shall be kept in rodent proof containers.
- (10) Odors. Backyard hen owners shall regularly remove hen waste (feces) from the coop and hen run. At no time shall the owner of backyard hens allow odors from backyard hens or backyard hen waste to emanate to adjoining properties.

(B) Hen Coops and Hen Run Construction.

- (1) Containment. Hens shall be contained in a coop with a fenced hen run.
- (2) Enclosed. All coops shall be enclosed
- (3) Size. Coops shall provide a minimum of four (4) square feet per hen. Hen runs shall meet or exceed the coop area. Coops shall not exceed six (6) feet in height measured from the ground.
- (4) Permits - Fence. Permanently installed fencing for hen runs, as evidenced by fence posts affixed to or in concrete, shall require a fence permit. Temporary fencing or cages used for hen runs shall not require a fence permit.
- (5) Permits – Coop. Coops with a floor area of twenty-five (25) square feet or less shall not require a building permit unless the coop is secured with a foundation or posts anchored in concrete. Coops with an area of greater than twenty-five (25) square feet shall require a building permit.
- (6) Permits – Electrical. The installation of AC (alternating current) electrical wiring, electrical lighting and/or electrical heating elements in the coop shall require a permit. A pre-fabricated coop with factory installed electrical wiring, lighting, or heating equipment operating with a standard pronged electrical cord shall not require a permit unless after-market modifications have been made to the electrical component. A permit is not required for lighting or heating elements that are battery powered.
- (7) Construction Materials. Coops must be constructed of uniform, weather resistant material.
- (8) Placement. All coops and hen runs must be placed behind the residential dwelling and set back a minimum of ten (10) feet from property lines. Coops and runs are not allowed in the front or side yards.

(C) The location, placement, construction, size and maintenance of any coop or hen run may be subject to inspection by the Village Administrator or designee at any time to ensure compliance with the regulations in this Section 96.

(D) Any violation hereof shall result in a fine of not less than \$25.00 nor more than \$750.00.

SECTION II: Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action arising, acquired or existing under any act or ordinance or portion thereof hereby repealed or amended by this ordinance; nor shall any just or legal right, claim, penalty or remedy of any character of the corporate authority existing on the effective date hereof be lost, impaired or affected by this Ordinance.

SECTION III: All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION IV: If any provision, clause, sentence, paragraph, section, or part of this ordinance or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporation, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, or circumstances involved. It is hereby declared to be the legislative intent of the corporate authorities that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not been included.

SECTION V: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

Passed this ____ day of _____, 20__.

	Ayes:	Nays:	Absent/Abstain:
Lincoln F. Knight	_____	_____	_____
John F. Barbini Ed.D	_____	_____	_____
Tim Howe	_____	_____	_____
Linda Starkey	_____	_____	_____
Ken Arnsward	_____	_____	_____
Chuck Black	_____	_____	_____

APPROVED:

By: _____ Date: _____
Frank A. Bart, Mayor

ATTEST:

By: _____
Gina Strelecki, Village Clerk

Doug Maxeiner

From: John Barbini
Sent: Sunday, September 25, 2016 3:16 PM
To: Doug Maxeiner
Subject: Fwd: Chicken Discussion in Wauconda

FYI

Sent from my iPhone

Begin forwarded message:

From: Linda DeTomasì <linda.detomasi@gmail.com>
Date: September 25, 2016 at 2:20:17 PM CDT
To: <karnswald@wauconda-il.gov>, Linda Starkey <lstarkey@wauconda-il.gov>, <knight@wauconda-il.gov>, <jbarbini@wauconda-il.gov>, <cblack@wauconda-il.gov>, <thowe@wauconda-il.gov>
Subject: **Chicken Discussion in Wauconda**

Good Afternoon, Trustees.

After following the public discussions, attending the last committee meeting, and researching the topic of raising, housing, and caring for egg-laying hens, I'd like to share my thoughts with you all.

First and foremost, our procedural process in the US allows for the public to witness discussions in real-time, which is a blessing. Knowing this, it would be easy for audience members to get caught up on the generalizations and preconceptions that may, or may not, apply directly to us. However, what we are witnessing is our vote at work through a variety of individual personalities.

With this in mind, the ability to raise egg-laying chickens may have brought out a preconceived notion of property maintenance norms from a sitcom that ran from 1962 to 1971. Although the reference may not have been a pertinent example for today, it does reflect the genuine concerns we all have for our property values.

Interestingly enough, I do support allowing single-family homeowners to raise chickens for pets and eggs and, if allowed, we will be one of the first homes to do so.

Now, for those of you who know me well, the hen house will probably outshine my own home and the chickens will be overachievers. But more importantly, my 10-year-old son will have the opportunity to nurture something that gives back, and my friends and family will receive the gift of fresh eggs on a frequent basis.

So, please take the time you need to come to a consensus, while still leaning in the direction of knowing that most residents take pride in their property without being told to do so; We care deeply about the experiences our children get in school and in life without being directed to care;

And, when it comes down to it, the quality of our individual relationships with our neighbors have already been established..with or without a hen house.

Thank you all for taking your positions seriously and making me proud to be a resident of Wauconda.

Best Regards,

Linda DeTomasi

Aspen Grove Home Owners Association
P.O. Box 306
Wauconda, IL 60084

To: Doug Maxeiner
From: Steve Diol
Re: Chicken Coup Rules & Regulations
Date: December 7th, 2016

Doug,

Hope all is well with you and your family. I wanted to comment on the idea of allowing residents to raise chickens and / or other farm animals on their property, within the Village borders. After speaking to many residents in Aspen Grove, our association plans to prohibit chicken coups, and / or cages that can house any type of farm animals.

We have an empty field to the North of our neighborhood that is home to many fox, coyote, skunks, and outdoor cats. We don't want to attract more wild animals, and potentially increase the interaction between them, and our residents.

I'm not sure what other feedback you have received, but I wanted to let you know our thoughts.

Have a great holiday season !

Steve Diol

President
Aspen Grove Home Owners Association

847-533-7620

Doug Maxeiner

From: Nancy Nishiguchi <nancynish@icloud.com>
Sent: Friday, September 23, 2016 6:48 PM
To: Doug Maxeiner
Subject: Hens

Please do NOT allow this in our town!

Sincerely,

Nancy Nishiguchi

Wauconda resident

Sent from my iPad

Doug Maxeiner

From: tom and roberta ziemba <theziembas@hotmail.com>
Sent: Friday, September 23, 2016 5:57 PM
To: Doug Maxeiner
Subject: regarding back yard hens

I happened to see the question at the end of the weekly Mayor's message regarding the backyard hens and wanted to provide some input. As a person who grew up in a rural area and whose family had hens, I wanted to make the comment that hens are very loud and chicken coops are very smelly. Hens cackle extremely loudly when they lay an egg, and this often happens very early in the morning. In addition, unless the owner is a stickler about keeping the coops clean (and you know not everyone will be!), the odor can become very strong. I don't expect to have to deal with such sounds and smells when I live within the limits of a town. I would very much be opposed to anyone putting a coop of hens within earshot (or nose shot) of my back yard. Save the farm animals for the farm where they can be kept relatively far away from neighbors. Thanks for considering my comments.

Doug Maxeiner

From: O'Donnell, Steven <steve.odonnell@hp.com>
Sent: Tuesday, August 16, 2016 1:59 PM
To: Doug Maxeiner
Subject: RE: Backyard Chickens in Wauconda

Doug,

Thank you for this communication.

I currently hold the position of Board President for our Association, and have asked our Board Members to weigh in.

We would not like to see a change to the ordinance to allow back yard chickens. We believe this is not a "value add" to the neighborhoods or our property values.

We had a neighbor that did have them, and it disturbed our residents.

The residents objected to the cleanliness, smells, and noise of the chickens & roosters in the mornings.

Best Regards,

Steve O'Donnell
847-846-4217
Steve.odonnell@hp.com

Inside Workstation Sales Partner
Terra Alasti
505-433-8690
terra@hp.com

HP Commercial Warranty Support 800-334-5144 and say "Workstations"

From: Doug Maxeiner [mailto:dmaxeiner@Wauconda-il.gov]
Sent: Tuesday, August 16, 2016 11:13 AM
To: bosacki@sbcglobal.net; stephan.diol@wellsfargoadvisors.com; O'Donnell, Steven <steve.odonnell@hp.com>; mposmer@comcast.net; dianeradice@comcast.net; ronaldrichards12@comcast.net; sales262@aol.com; mdonley@dis.net; kwelton528@gmail.com; mjackec@sbcglobal.net; ram1604@yahoo.com; grandmagreta@comcast.net; tkulesza567@yahoo.com; lvva_board@lvva.net; neuwirth_construction@yahoo.com; chavin@llmlegal.com; oma_utep@att.net; board@lspia.org; jimmywelchemail@gmail.com; finkfamily2@yahoo.com; board@orchardhillshoa.net; swolvie1@prodigy.net; dolson@olsonsace.com; jwhiteh@lumc.edu; fergusonLJF@comcast.net; mao612@sbcglobal.net; m_parelius@yahoo.com; bobm@nwprop.com; heather@premierresmgt.com; piloiselle@fosterpremier.com; janice@mcgillmanagement.com; harmonyvillage136@att.net; nlass@fosterpremier.com; greg.o'hara@associa.us; rp.howe@yahoo.com;

kim@mcgillmanagement.com; grobinson@dixoncompaniesinc.com; cziobro@imsnet.com

Subject: Backyard Chickens in Wauconda

The attached letter is being sent to you as a member of the homeowner's association board or a property management firm representing residential property in Wauconda. If you no longer serve in this capacity, please disregard.

Douglas K. Maxeiner
Village Administrator
Village of Wauconda
101 N. Main Street
Wauconda, IL 60084
(847) 526-9603

Doug Maxeiner

From: dianewoodin@yahoo.com
Sent: Wednesday, August 17, 2016 8:19 AM
To: Doug Maxeiner
Subject: Backyard hens

Mr. Maxeiner,

First I want to say I grew up on an Iowa farm and we had all different kinds of farm animals, including chickens. In the 70's I lived in Vernon Hills very near the old chicken farm, so I can say I know something about chickens and the environment they create. They certainly do provide nutritious food products for our breakfast, lunch and dinner tables, however they do not belong in a confined residential area. The smell, the noise and perhaps health concerns should prohibit these farm animals from being raised in a residential area. Also I would suggest that chickens would entice predators like coyotes and foxes into the area. Chickens belong in an open space on a farm not in the crowded suburbs. And would this open the door to other farm animals like pigs, goats, lambs, etc? There is a reason we have farms and it should stay that way.

I would definitely oppose backyard hens (chickens) being allowed in our community for all the above reasons.

Thank you for the opportunity to express my opinion.

Diane R. Woodin
305 Sundown Ct.
Wauconda

Sent from my iPad

Doug Maxeiner

From: Richard Magnone <rmagnone@rcmlaw.com>
Sent: Tuesday, August 30, 2016 4:49 PM
To: Doug Maxeiner
Subject: Backyard Chickens

Mr. Maxeiner:

I am a resident who lives at 409 Oak Grove Circle in Wauconda. It is my understanding that there will be a meeting of the board tonight to discuss the "backyard chicken" ordinance.

I had intended to attend the meeting, but I work in Chicago and am now unable to attend the meeting in person so I wanted to write to you with my thoughts on the proposed ordinance.

In short, I am against it. But, not wanting to be short on the topic, I will expound.

First, let me say that there are a number of backyard chicken scofflaws in town already. My neighbor had been keeping a rooster and a hen since the spring. Recently, the Wauconda police got involved and I have not seen the fowl in about two weeks. I have also seen photos on certain Wauconda facebook pages (I am sure you are aware of which pages I speak) where folks proudly display their birds. The disease, noise, and nonsense that come along with the birds is not something we need in town. On top of that, hens only lay eggs for a short time and then what happens? They get let loose? Killed? I don't know.

Second, I understand that Wauconda was once a very rural town and that we are located "out in the Country". That was the case before Saddlewood, Oak Grove, Liberty Lakes and the host of other higher density single family and townhome properties were built during the most recent housing boom. Wauconda is not a rural community. In an urban setting, I don't expect chickens. I don't live on a farm. I don't expect the agricultural accoutrements that come with that lifestyle on my one-third acre residential lot. Many will argue that "Chicago has Chickens". I can't say that Chicago is a model for anything related to "good-government".

Third and please forgive my forwardness, chickens are trashy. We don't live with the noise of farms in Wauconda. We also don't live with the din of the City that would drown out the clucks of a hen or rooster. I don't want to see chickens walking the streets of Wauconda. Just as we wouldn't like a homeowner to have too many cars in a driveway or a house with peeling paint, we shouldn't want a homeowner who is farming on his or her residential lot. Farm animals belong on the farm.

I'm sorry I couldn't make the meeting, but kindly put me down as "not in support" of backyard chickens. There's no need for it.

Richard Magnone
Reda | Ciprian | Magnone, LLC
Attorneys at Law
8501 W. Higgins Rd. Suite 440
Chicago, IL 60631
Tel: 773-399-1122 | Fax: 773-399-1144

Backyard Chicken Survey

McHenry County

Algonquin, IL	Prohibits Chickens
Crystal Lake, IL	Prohibits Chickens
Fox River Grove, IL	Prohibits Chickens
Huntley, IL	Prohibits Chickens
Lake in the Hills, IL	Prohibits Chickens
Lakewood, IL	Prohibits Chickens
McHenry, IL	Prohibits Chickens
Prairie Grove, IL	Prohibits Chickens
Woodstock, IL	Prohibits Chickens

Other Municipalities

Batavia, IL	Allows Chickens
Downers Grove, IL	Allows Chickens
Elgin, IL	Allows Chickens
Evanston, IL	Allows Chickens
Grayslake, IL	Allows Chickens
Naperville, IL	Allows Chickens
Northbrook, IL	Allows Chickens
Northfield, IL	Allows Chickens
Oak Brook, IL	Allows Chickens
Oak Park, IL	Allows Chickens
St Charles, IL	Allows Chickens
Bartlett, IL	Allows Chickens
Burr Ridge, IL	Allows Chickens
Long Grove, IL	Allows Chickens
West Dundee, IL	Allows Chickens
Aurora, IL	Prohibits Chickens
Barrington, IL	Prohibits Chickens
Buffalo Grove, IL	Prohibits Chickens
Carpentersville, IL	Prohibits Chickens
Des Plaines, IL	Prohibits Chickens
Itasca, IL	Prohibits Chickens
Lincolnshire, IL	Prohibits Chickens
Lincolnwood, IL	Prohibits Chickens
Mount Prospect, IL	Prohibits Chickens
Libertyville, IL	Prohibits Chickens
Round Lake, IL	Prohibits Chickens
Round Lake Beach, IL	Prohibits Chickens
Schaumburg, IL	Prohibits Chickens
Schiller Park, IL	Prohibits Chickens
Skokie, IL	Prohibits Chickens
Streamwood, IL	Prohibits Chickens
Villa Park, IL	Prohibits Chickens
Wheeling, IL	Prohibits Chickens

As of
2/26/15

Per Dr. Ken Koelkebeck
Dept. of Animal Sciences
Univ. of Illinois

Mundelein - Prohibits
Arlington Heights - Prohibits
Highland Park - Prohibits
Fox Lake - Allows
West Dundee - Allows
Deerfield - Allows