

VILLAGE OF MILLINGTON
KENDALL AND LASALLE COUNTIES, ILLINOIS

ORDINANCE NO. 2014- 03-01-14

“AN ORDINANCE AMENDING SECTION 3.05 OF
THE VILLAGE OF MILLINGTON ZONING CODE TO
ADOPT REGULATIONS FOR KEEPING AND MAINTAINING HENS”

ADOPTED BY THE
VILLAGE BOARD OF THE
VILLAGE OF MILLINGTON

THIS 10th DAY OF March, 2014

Published in pamphlet form by authority of the Village Board of the Village of Millington,
Kendall and LaSalle Counties, Illinois, this 10th day of March, 2014.

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AN ORDINANCE AMENDING SECTION 3.05 OF
THE VILLAGE OF MILLINGTON ZONING CODE TO
ADOPT REGULATIONS FOR KEEPING AND MAINTAINING HENS

WHEREAS, the Village of Millington (the “Village”) is a non-home rule municipality organized and operating under the Illinois Municipal Code (65 ILCS 5/1 *et seq.*) (the “Code”); and

WHEREAS, the Code (65 ILCS 5/11-13-1(4), (3)) authorizes the Village to classify, regulate and restrict the location of buildings and uses; and

WHEREAS, the Code (65 ILCS 5/11-13-1(1), 1(2)) authorizes the Village to regulate the height, bulk, and yard requirements for buildings located in the Village; and

WHEREAS, the Code (65 ILCS 5/11-13-1(4), 1(6), 1(7)) authorizes the Village to limit the intensity of uses throughout the Village and to prohibit uses and buildings that are incompatible with the character of its zoning districts; and

WHEREAS, the Code (65 ILCS 5/11-60-2) authorizes the Village to define, prevent, and abate nuisances; and

WHEREAS, pursuant to its authority under the Code, the Village previously adopted a Zoning Code establishing rules and regulations for buildings and uses throughout the Village; and

WHEREAS, Section 3.05 of the Zoning Code regulates accessory uses and buildings; and

WHEREAS, the Zoning Code does not currently allow chicken coops and related chicken facilities as a principal, special or accessory use on properties zoned for single-family use; and

WHEREAS, despite not being allowed by the Zoning Code, chickens are being kept and maintained in the Village's residential zoning districts; and

WHEREAS, the Village wishes to establish regulations allowing chicken coops and facilities subject to compliance with specific conditions and criteria; and

WHEREAS, the Village's conditions and criteria are intended to prevent chicken coops and facilities from becoming a public nuisance by creating unsanitary, unsightly, and unsafe conditions in the Village; and

WHEREAS, unregulated chicken facilities can cause a variety of serious problems, including accumulations of waste and odor, rodent infestation, disease, and general disruption to the established character of the Village's zoning districts; and

WHEREAS, the Mayor and Village Board finds that adopting chicken regulations is in the Village's best interests and will enhance the public health, safety and welfare; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Village Board of the Village of Millington, Kendall and LaSalle Counties, Illinois, as follows:

Section 1. RECITALS: The foregoing recitals are incorporated as though fully set forth herein.

Section 2. SECTION AMENDED: Section 3.05 of the Zoning Code is amended as follows (additions underlined and deleted text delineated with ~~striketrough~~ text):

3.05 ACCESSORY USES

An accessory use shall comply with all requirements for a principal use, except as this ordinance specifically allows to the contrary, and shall comply with the following limitations:

1. An accessory building may not be located nearer to any interior lot line than that permitted for the principal building, if extended. However, when an accessory building is located in the rear yard, it may then be located within three (3) feet of the interior lot line, but not nearer than five (5) feet of the rear lot line.
2. An accessory building shall not be erected prior to the establishment or construction of the principal building to which it is accessory, or to which it is intended to be accessory.
3. No accessory building shall be located on a reversed corner lot beyond the front yard required on the adjacent lot to the rear, nor be located nearer than five (5) feet to the side lot line of the adjacent lot.
4. An "accessory use" includes, but is not limited to, the following:
 - a. A children's playhouse, garden house, and/or private greenhouse.
 - b. A garage, shed, carport or building for domestic storage.
 - c. Incinerators incidental to residential use.
 - d. Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations.
 - e. Storage of goods used in or produced by manufacturing activities, on the same lot of parcel of ground with such activities, unless such storage is excluded by the district regulations.
 - f. Off-street motor vehicle parking areas, and loading and unloading facilities.
 - g. Public utility communication, electric, gas, water and sewer lines, their supports and incidental equipment.
 - h. Private swimming pools.
 - i. Where a substantial part of the wall of an accessory building is a part of the wall of the main building or where an accessory building is attached to the main building in a substantial manner as by a roof, such accessory building shall be counted as part of the main building.

j. Keeping and maintaining hens in accordance with the provisions of Section 3.05(6) of this Code.

5. An accessory building or accessory portion of a principal building shall be included when determining Floor Area Ratio but not when determining required area for residential structures.

6. Hen facilities shall comply with the following provisions:

a. "Hen" means the female of the species *gallus gallus domesticus*.

b. Hens may only be kept and maintained on properties that are (i) zoned R1-A, Traditional Single Family Residence District, R1-B, Single Family Residence District, or R-2, General Residence District, and (ii) occupied by a single-family residential structure.

c. No more than eight (8) domestic hens may be present on any property at any time.

d. It shall be unlawful to keep or maintain roosters within the Village.

e. It shall be unlawful to slaughter any hen, except for food purposes when the hen was kept for food purposes and the hen was slaughtered in a humane fashion.

f. Hens may only be located in the rear yard. All hens shall be provided a shelter and a fenced-in area, in which the hens must remain at all times. The fenced-in area shall contain at least thirty two (32) square feet and be surrounded by a fence made of wood or metal and of sufficient height to contain the hens. Barbed wire, razor wire and similar fencing materials are prohibited. The shelter shall contain at least sixteen (16) square feet in area and measure no more than six (6) feet in height.

g. No enclosure or shelter may be constructed or erected without first obtaining a building permit from the Village and paying the required permit fee. Enclosures and shelters shall comply with the setback requirements set forth in Section 3.05 of this Code.

h. Electrical service to enclosures and/or shelters shall comply with all Village building and electrical codes, rules and regulations. Under no circumstances shall electrical service be provided to an enclosure and/or shelter by using extension cords or other temporary means.

- i. Enclosures and shelters shall comply with the Village's property maintenance code and all other Village codes, rules, and regulations, and shall be kept and maintained in a neat, clean and sanitary manner, free from unreasonable accumulation of waste, standing water, uneaten or discarded feed, feathers, odors detectable from adjacent properties, and rodent infestation.
- j. Feed for hens shall be stored securely in rodent-proof containers with tightly fitting lids.
- k. It shall be unlawful for hens to produce noise loud enough to disturb the peace of persons of reasonable sensitivity.
- l. All persons maintaining Hen facilities shall comply with all local, county, state and federal laws, rules and regulations pertaining to maintaining and keeping hens.
- m. Hen facilities that fail to comply with the provisions of this Section 3.05(6) are hereby declared to be public nuisances. Any person found to be in violation of this Section 3.05 shall be fined not less than \$50.00 nor more than \$750.00 for each offense. Each day a person fails to comply with this Section shall constitute a separate offense.
- n. All persons maintaining hens as of this Ordinance's effective date shall comply with this Section 3.05 by no later than May 12, 2014.
- o. Nothing in this Section 3.05(6) shall enhance, limit or otherwise modify a person's right to keep and maintain hens on property zoned A-1, Agricultural District.

Section 3. SUPERSEDER. All ordinances, resolutions, motions, or orders in conflict herewith are repealed to the extent of such conflict, and this Ordinance shall be in full force and effective immediately upon its passage by the Corporate Authorities and approval as provided by law.

Section 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form, in accordance with law, and the provisions of the Village of Millington Zoning Code amended herein shall be reprinted with the changes.

PASSED this 10th Day of March, 2014

AYES: 5

NAYS: 0

ABSENT: 0

APPROVED:

Scott J. Kelly
MAYOR

Date: 3-10-14

ATTEST:

before me this 10th day of March, 2014

[Signature]

VILLAGE CLERK

(SEAL)