

ORDINANCE NO. ____

**AN ORDINANCE
SUPPLEMENTING AND AMENDING
CHAPTERS 8, 20 AND 28 BY AMENDING SECTION 8-1 AND 8-95, ADDING
A NEW SECTION 8-103 AND AMENDING SECTION 20-282 AND SECTION 28-23
(ANIMALS-HENS)**

**VILLAGE OF RANTOUL
CHAMPAIGN COUNTY, ILLINOIS**

CERTIFICATE OF PUBLICATION

Published in pamphlet form this ____ day of _____, 2017, by authority of the President and Board of Trustees of the Village of Rantoul, Champaign County, Illinois.

Village Clerk

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(ANIMALS-HENS)

BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF
THE VILLAGE OF RANTOUL, ILLINOIS, as follows:

Section 1. Adoption. Chapter 8, entitled "ANIMALS", Chapter 20, entitled "OFFENSES AND MISCELLANEOUS PROVISIONS" and Chapter 28, entitled "SOLID WASTE", of the Rantoul Code, as supplemented and amended, be and the same are hereby further supplemented and amended, by amending Section 8-1, entitled "Definitions", by amending Section 8-95, entitled "Keeping of farm animals", by adding a new Section 8-103 to be entitled "Hens", by amending Section 20-282, entitled "Public nuisances" and by amending Section 28-23, entitled "Composting—Maximum size and location standards", all as set forth in the titles, headings and texts thereof as attached hereto and hereby incorporated herein by this reference thereto.

Section 2. Effective Date. The provisions of this Ordinance shall become effective immediately following its passage, approval and publication as required by law.

Section 3. Conflict. All other ordinances or parts of ordinances which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby superseded.

Section 4. Publication. The Village Clerk is hereby authorized and directed to cause this Ordinance to be published in pamphlet form.

This ordinance is hereby passed, the "ayes" and "nays" being called, by the concurrence of a majority of the members of the Corporate Authorities then holding office at a regular meeting on the date set forth below.

PASSED this ____ day of _____, 2017.

Village Clerk

APPROVED this ____ day of _____, 2017.

Village President

CHAPTER 8 - ANIMALS

Sec. 8-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means any vertebrate species, other than any human being.

Animal Control Act means the Animal Control Act of the State of Illinois (510 ILCS 5/1 et seq.) as supplemented and amended.

Animal control officer means any person, whether employed directly by the village or provided under a contractual agreement or otherwise, who is authorized to investigate any matter regarding the enforcement of this chapter.

Animal shelter means the place designated and maintained by the village (including any agency or other entity operating any such place under contract with the village) to provide impoundment and animal shelter services.

At large means off the premises of the owner and not under control of a responsible person by means of a leash, or on the premises of the owner and not under restraint.

Cat means any member of the feline family.

Chicken means an individual animal of the species *Gallus gallus domesticus*.

Coop means a structure that is designed to house hens which is enclosed on all sides with a roof, door and windows. A mobile coop or 'chicken tractor' will be considered a chicken coop. Also referred to as 'coop'.

County animal control administrator means the person designated by the county board to administer the Animal Control Act.

Dangerous dog means any individual dog which, when either unmuzzled, unleashed, or unattended by its owner or other responsible person, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon any street, sidewalk or other public place, or upon any premises other than the premises of its owner.

Dog means any member of the canine family.

Dwelling unit, dwelling, single-family; dwelling, duplex. See Section 46-10, Definitions, of Chapter 46.

Farm animal means and includes, but is not limited to, any member (including any pygmy or miniature variety) of the bovine (cattle), equine (horse), swine (pig or hog), ovine (sheep) or caprine (goat) families, any poultry (any domesticated bird raised for show, eggs or meat, such as roosters, turkeys, geese or ducks) and any breeding rabbits.

Found means that the animal control director, any police officer or any animal control officer has conducted an investigation and made a declaration in writing that a dog is a dangerous dog or a vicious dog or that the hearing officer, upon appeal, has made a determination in writing in accordance with section 8-135.

Hearing officer means the administrative officer of the village, or any other nonlaw enforcement person designated for such purposes by the village president.

Hen means the female of the species *Gallus gallus domesticus* or chicken.

Leash means a cord, rope, strap or chain securely fastened to an animal by a collar or harness, and of sufficient strength to keep such animal under control.

Lot, zoning. See Section 46-10, Definitions, of Chapter 46.

Owner means any person who, either permanently or temporarily, has a right of ownership or any property interest in an animal, who keeps or harbors an animal, who has an animal in his care, who acts as the custodian of an animal, who exerts control over an animal, or who knowingly permits an animal to remain on or about any premises owned or occupied by any such person.

Rabies threat means that an animal has bitten a human being, has been reported to have bitten a human being or exhibits clinical signs of rabies.

Restraint means confined by means of a fence of sufficient height and security (which may be an electronic invisible fence system) to prevent an animal from leaving the area so encompassed, on a leash under the control of a responsible person, or on a leash securely fastened to an inanimate object and of a length which prevents such animal from leaving the premises of the owner.

Rooster means the male of the species *Gallus gallus domesticus* or chicken.

Run means an outdoor area that is enclosed on all vertical sides by fencing. The run must be attached to or must surround a chicken coop with a doorway or hatch that allows access into the space by chickens.

Vicious dog means any individual dog:

- (1) That when unprovoked inflicts bites or attacks any human being or any domestic animal on public or private property;
- (2) With a known propensity, tendency, or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of any human being or any domestic animal;
- (3) That has as a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon any human being or any domestic animal; or
- (4) That has been found a dangerous dog upon three or more separate occasions.

No dog shall be deemed a vicious dog solely because it is a professionally trained dog for law enforcement or guard duties, if it bites, attacks, or menaces any trespasser on the property of its owner or if it harms or menaces anyone who has tormented or abused it, and no dog shall be deemed a "vicious dog" solely because of its breed.

Yard, rear; yard, side; yard, front. See Section 46-10, Definitions, of Chapter 46.

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Sec. 8-95. - Keeping of farm animals.

- (a) Except as otherwise permitted as an authorized use in Chapter 46 of this Code, it shall be unlawful and a violation of this section for any person to keep, harbor or allow to be kept any farm animal within the village. Hens shall be permitted according to the standards set forth in Section 8-103 of this Chapter.
- (b) Any farm animal prohibited in subsection (a) of this section that is discovered to be within the village may be impounded by any police officer or any animal control officer.

* * * * *

Sec. 8-103. - Hens.

- (a) Except as otherwise permitted as an authorized use in Chapter 46 of this Code, it shall be unlawful and a violation of this Section for any person to keep, harbor or allow to be kept a hen within the Village unless a license has been issued as set forth in this section.
- (b) The number of hens allowed shall be a maximum of six (6) hens per dwelling unit.
- (c) Roosters are prohibited within the Village.
- (d) Licenses will only be granted to persons who reside on parcels with single-family and two-family dwellings.
- (e) Care for hens shall include the following provisions:
 - (1) No hen shall be permitted to run at large. Hens shall be kept in a designated coop or run. Hens may be allowed to exercise with supervision in a rear yard enclosed within a 6 foot (6') or higher fence.

- (i) If the coop and run are not within a fenced yard, hens must be kept within the coop and run at all times.
- [(ii)] Fences must meet the standards outlined in Section 46-134 of this Code.
- (2) Feed must be stored in a fully enclosed, rodent proof container.
- (f) Housing for hens must satisfy the following requirements:
 - (1) The chicken coop and run shall be located in the rear yard of the residential unit. The coop and run are allowed in the rear yard but not the side yard or front yard. On corner lots, the rear yard must be enclosed with a six-foot (6') or higher fence.
 - (2) The chicken coop and run shall be located at least five feet (5') from the property line and at least twenty feet (20') from any neighboring dwelling unit and is prohibited from being located on an easement.
 - (3) The coop must be built to provide ventilation, shade, protection from precipitation, protection from cold weather and to be secure from predators, wild birds and rodents.
 - (i) Openings in windows and doors must be covered by wire mesh or screens to deter predators.
 - (ii) Access doors must be sized and placed for ease of cleaning.
 - (iii) The enclosed run must be attached to the coop or must surround the coop. The sides of the run must be made of fencing or wire mesh that discourages predators.
 - (iv) The run must be enclosed on all sides, including the top or roof plane.
 - (4) The coop shall provide a minimum of four (4) square feet of floor area per hen. The run shall provide a minimum of eight (8) square feet of floor area per hen. Coops over one-hundred and twenty (120) square feet will require a building permit.
 - (5) The coop and run shall be kept in a clean, dry and sanitary condition at all times. Manure, uneaten and discarded feed, feathers and other waste must be removed from the zoning lot regularly and at a minimum of once per week.
 - (i) Odors from hens, manure or related substances shall not be detectable from adjacent property lines.
 - (ii) Manure must be stored and disposed of. Manure may be composted. All manure not composted must be removed from the zoning lot regularly and at a minimum of once per week.
- (g) No person shall maintain a coop without first obtaining a license from the Village. Licenses shall be issued when all conditions outlined in this section are met.
 - (1) The Village may deny a license to any person who:
 - (i) owes money to the Village; or
 - (ii) has, in the last three (3) years prior to application for a license under this section, been convicted or plead guilty to any violation of chapter 8 (animals), chapter 10 (property maintenance), chapter 20 (public nuisance and noise) or chapter 48 (zoning).
 - (2) All licenses pursuant to this section shall be valid for one year from the date of issuance. Licenses may be automatically renewed for two successive periods of one year each if the licensee has been in compliance during the previous year. A new license will only be issued after the coop and run have been inspected and determined to meet all requirements specified herein.
 - (3) If the licensee is found to be in violation of Sections 8-48 - Cruelty to Animals, the license will be immediately and permanently revoked.
 - (4) As a condition to the issuance of a license, the licensee shall agree to authorize any duly authorized representative of the Village to enter upon the premises licensed hereunder to inspect the coop and the run to determine whether the provisions of this section have been or are in compliance with this section.

- (5) Only one chicken coop license will be issued per zoning lot. A zoning lot consisting of multiple platted lots shall be considered one lot.
- (6) Coop licenses are non-transferrable.
- (7) The coop license shall cost \$20.00. This license shall renew automatically if the licensee is in compliance with all requirements set forth in this section. No charge is incurred for licenses that renew automatically.
- (h) Hens, coops and runs not maintained according to this section shall be deemed a public nuisance.

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CHAPTER 20 – OFFENSES AND MISCELLANEOUS PROVISIONS

Sec. 20-282. - Public nuisances.

- (a) It shall be unlawful for any person to cause, permit or maintain the existence of any public nuisance.
- (b) As used in this article, a public nuisance shall mean and include any act, thing, occupation, condition or use of any private property which shall continue for such length of time as to endanger the health, safety, life or property of any person or any public property, or to cause any harm, substantial inconvenience, discomfort, damage, injury or blight to any person, any property or any public property, in any one or more of the following particulars:
 - (1) The accumulation on any private property of any municipal waste, landscape waste or any construction and demolition debris unless otherwise specifically permitted by this Code;
 - (2) The occurrence on any private property of vegetation, trees or shrubbery which may reasonably be expected to injure the life or health of any person, such as: jimson weed (*Datura stramonium L.*), poison hemlock (*Conium maculatum L.*), poison oak (*Rhus toxicodendron L.*), poison sumac (*Rhus vernix L.*) or poison ivy (*Rhus radicans L.*);
 - (3) The occurrence on any private property of vegetation defined as noxious plants in the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.); Johnson grass and all perennial sorghums (*Sorghum halepense (L.) Pers.*), Canada thistle (*Cirsium arvense (L.) Scop.*), musk thistle (*Carduus nutans L.*), marijuana (*Cannabis sativa L.*), giant ragweed (*Ambrosia trifida L.*), and common ragweed (*Ambrosia artemisiifolia, L.*);
 - (4) The occurrence on any private property of vegetation, shrubbery or landscape waste which aids in the breeding or harboring of rats or other vermin, or insects which may reasonably be expected to injure or harm human life;
 - (5) The occurrence on any private property of vegetation, trees, shrubbery or landscape waste which hinders the expedient removal of municipal waste, construction and demolition debris or any other public nuisance abatement measure;
 - (6) The occurrence of vegetation on any private property in excess of eight inches in height, except the following:
 - a. Trees, shrubbery, vines and annual and perennial herbaceous ornamental plants that are maintained in such a manner so as to not be considered a nuisance as provided herein;
 - b. Edible vegetation that constitutes part of a managed crop or vegetable garden, provided such crop or vegetable garden is not considered a nuisance as provided herein;
 - c. Property zoned agriculture (AG) or conservation-recreation-education (CRE) as shown and designated on the official zoning map of the village, provided however, that the portions of such property exempted by this provision which are within 12 feet of the property line of any private property or of any public property must be maintained at a height of eight inches or less;
 - (7) The accumulation on any private property of any landscape waste that is intended and appropriate for on-site use in residential fireplaces or wood burning stoves unless such landscape waste is cut

to appropriate dimensions and is stacked in a neat and organized manner in any area of such private property other than the front yard;

- (8) The accumulation on any private property of animal feces under circumstances where:
 - a. The quantity or such feces constitutes a hazard to the life, health or safety of any person other than the owner of the animal depositing such feces; or
 - b. The quantity interferes with the use or enjoyment of any adjacent property by means of odors, visual blight or the attraction of insects or other pests;
- (9) The accumulation on any private property of stagnant water in which mosquitoes, flies or other insects may multiply;
- (10) The escape from any private property of any soot, dust or other air borne particles in such quantities as to endanger human health or to cause injury to any property;
- (11) The use of any private property or thing which emits or causes any foul, offensive, nauseous, noxious or disagreeable odor or stench repulsive to the physical sense of any reasonable person of ordinary sensibilities or which affects the health of any person of ordinary well being.
- (12) Hens, coops or runs not maintained in accordance with Section 8-103 of this Code.

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CHAPTER 28 – SOLID WASTE

Sec. 28-23. - Composting—Maximum size and location standards.

It shall be unlawful for any person, including for this purpose, any owner, agent, lessee, occupant or other person in control of any dwelling unit or of any commercial or industrial premises to cause, permit or allow a compost cell or pile to be maintained within the village in violation of the following standards:

- (1) The maximum size of any such compost cell or pile shall not exceed 125 cubic feet in volume and five feet in height. Any such compost cell or pile shall also be restrained on three sides to minimize blowing material, and any such side walls should allow aeration. Any such compost cell or pile shall further not:
 - a. Be located in a floodway;
 - b. Be setback less than three feet from any property line, unless such compost cell or pile is maintained jointly by two or more abutting property owners;
 - c. Be closer than 15 feet to any dwelling unit on abutting property;
 - d. Be located in any front yard; and
 - e. Be maintained so that runoff or leachate created as a result of any such compost cell or pile runs onto abutting property.
- (2) Only the following organic materials shall be allowed in any such compost cell or pile: dirt, sod, landscape waste in which any woody materials and garden wastes have been reduced in size to half an inch in diameter and 12 inches long, and cooked and uncooked fruits and vegetables; provided, however, that small amounts of wood ash or fertilizer may be added to provide nutrients.
- (3) The materials to be excluded from a compost cell or pile shall include, but are not limited to: construction or demolition debris, metal items, preservative-treated wood products, petroleum products (gasoline, crankcase oil, paints or solvents), pesticides or herbicides (except that which is already conveyed as part of the organic materials described in subsection (2) of this section above), fish or animal feces except hen manure when permitted by a coop license (Section 8-103), fish or animal carcasses, cooked meat scraps, human feces, paper, and plastic or cardboard items normally considered solid waste.