

VILLAGE PRESIDENT

Ray Danford

VILLAGE CLERK

Jerry Menard

VILLAGE TRUSTEES

Corby Valentine

Steve Smith

Tony Miller

Rita Baker

Seth Speiser

Charlie Mattern

VILLAGE OF FREEBURG

FREEBURG MUNICIPAL CENTER

14 SOUTHGATE CENTER, FREEBURG, IL 62243

PHONE: (618) 539-5545 • FAX: (618) 539-5590

Web Site: www.freeburg.com

VILLAGE ADMINISTRATOR
Dennis Herzing

VILLAGE TREASURER
Bryan A. Vogel

PUBLIC WORKS DIRECTOR
Ronald Dintelmann

POLICE CHIEF
Melvin E. Woodruff, Jr.

VILLAGE ATTORNEY
Stephen R. Wigginton

March 31, 2010

NOTICE

MEETING OF LEGAL AND ORDINANCE COMMITTEES (Annexation; Building; Zoning; Subdivision) Speiser/Baker/Mattern

A Legal and Ordinance Committee Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, **Tuesday, April 6, 2010, at 4:30 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items to be Discussed:

A. Old Business

1. Approval of March 3, 2010 Minutes
2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code/Building Code application
3. Status of Public Hazard Homes
4. TIF Litigation
5. New class of business license
6. Compensation of Officials

B. New Business

1. Beer gardens
2. 6893 Blacksmith Shop Road - Variance Request

C. General Concerns

D. Public Participation

E. Adjourn

At said Legal and Ordinance Meeting, the Village Trustees may vote on whether or not to hold an Executive Session to discuss the selection of a person to fill a public office [5 ILCS, 120/2 - (c)(3)], litigation [5 ILCS, 120/2 - (c)(11)] personnel [5 ILCS, 120/2 - (c) (1) a.]; or real estate transactions [5 ILCS, 120/2 - (c)(5)].

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Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Speiser/Baker/Mattern)
Tuesday, April 6, 2010 at 4:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 4:35 p.m. by Chairman Seth Speiser on Tuesday, April 6, 2010, in the Freeburg Municipal Center. Members attending were Chairman Seth Speiser, Trustee Rita Baker, Trustee Charlie Mattern, Village Administrator Dennis Herzing and Office Manager Julie Polson.

D. PUBLIC PARTICIPATION: John and Barbara Olack were present to request the committee consider letting them raise chickens. They live on N. Walnut Street in an SR-1 zoning district. They explained the main reason they want to have chickens is they don't like purchasing their eggs from chickens raised in questionable conditions. They have already purchased the chickens and currently have them in their home. they said they thought it would be a great project for their grandchildren to enjoy. The chickens would be penned in and they would not have any roosters. They commented they were very surprised to see the Village of Freeburg didn't allow chickens and said a lot of towns are revising their ordinances to include chickens like St. Louis and Madison, Wisconsin did. They provided a handout listing the reasons why they wanted the chickens as well as information from Cary, North Carolina explaining the pros of letting residents raise chickens. The Olacks do have land out by Sugar Creek that is zoned agricultural. Trustee Baker said the committee would have to go to the board for a decision on this. The Olacks were invited to the next board meeting on Monday, April 19th for further discussion and board decision regarding this request.

A. OLD BUSINESS:

1. Approval of March 3, 2010 Minutes: Trustee Rita Baker motioned to approve the March 3, 2010 minutes and Trustee Charlie Mattern seconded the motion. All voting aye, motion carried.

2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code: Seth said the Economic Development Committee is reviewing the information and will have their comments for the next Legal/Ordinance committee meeting.

3. Status of Public Hazard Homes: Phil is monitoring the Sheets' property on N. State Street.

Legal and Ordinance Committee Meeting
Tuesday, April 6, 2010
Page 1 of 2

4. TIF litigation: Dennis said we are still waiting for Attorney Wigginton to finalize the agreement.
5. New class of business license: Dennis didn't have a chance to talk to Attorney Wigginton about this. He did look through Maryville's code but they don't have anything like this in their code. The committee discussed the difference between a commercial stand and a stand out in a resident's yard and the sales tax is the issue. Keller's is a corporation and should be paying tax. Trustee Baker said we should require the company selling the product to report the sales tax to Freeburg.
6. Compensation of Officials: Dennis needs to prepare an ordinance. He will check with Attorney Wigginton to make sure we are okay with statutory provisions and will have the ordinance ready for next month's meeting. When compensation changes are made, it becomes effective at the renewal of the trustee's term.

B. NEW BUSINESS:

1. Beer gardens: Dennis said Rod Kapp of Burgards wants a beer garden. He advised Mr. Kapp that we've never allowed beer gardens and Mr. Kapp brought up Tequilas. Dennis told him Tequilas has a liquor license as a restaurant not a tavern of which more than 50% of their income comes from the restaurant. Burgards would not qualify. The committee agreed and Dennis will inform Mr. Kapp of their decision.
2. 6893 Blacksmith Shop Road: We received notice from St. Clair County of the request to put a farm residence at this address. It was included in the packet for informational purposes.

Dennis provided a draft ordinance revising the previous bonfire ordinance that was passed in January of this year. Under number 7 in the current ordinance, it states bonfires are not allowed between 12:00 a.m. and 6:00 p.m., so technically anyone could have a recreational fire anytime of the day or night. The draft ordinance revises number 7 to say, "Open burning fires, recreational or bonfires shall not be permitted between the hours of 12:00 AM and 6:00 AM.

Trustee Rita Baker motioned to recommend to the full Board the Ordinance amending the Bonfire Code for approval and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn the meeting at 5:13 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



Julie Polson
Office Manager

VILLAGE PRESIDENT
Ray Danford

VILLAGE CLERK
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Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Speiser/Baker/Mattern)
Wednesday, March 3, 2010 at 4:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 4:32 p.m. by Chairman Seth Speiser on Wednesday, March 3, 2010, in the Freeburg Municipal Center. Members attending were Chairman Seth Speiser, Trustee Rita Baker, Trustee Charlie Mattern, Village Administrator Dennis Herzing and Office Manager Julie Polson. Guest present: Janet Baechle.

A. OLD BUSINESS:

1. Approval of February 3, 2010 Minutes: Trustee Rita Baker motioned to approve the February 3, 2010 minutes and Trustee Seth Speiser seconded the motion. All voting aye, motion carried.
2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code: The committee asked that the draft ordinance for the material requirements on commercial buildings, the proposed nuisance abatement code and the resolution containing the guidelines on the commercial remodels be sent to the Economic Development Committee for their review and comments.
3. Status of Public Hazard Homes: Phil talked to Ray about Sheets' property on N. State Street and they agreed to have Phil keep monitoring it. Rita asked about the property on W. Phillips Street and Dennis said he knows Phil sent a letter to the owner but doesn't know anymore than that. Dennis commented Phil is trying to get as much done through the letters he sends out without getting the attorneys involved.
4. TIF litigation: Dennis said Koppeis backed off the items we said no to in the last letter. Attorney Wigginton is finalizing the agreement and will get it to us for our approval.
5. Ordinance on reflective clothing while walking: Charlie felt residents should use common sense when walking in the dark and said we shouldn't have to enforce that. The committee agreed to take the item off the agenda.
6. FOIA Ordinance: Dennis revised the suggested ordinance and said it was provided by Attorney Wigginton. He said it could be very time intensive if someone wanted to request a lot of information.

Legal and Ordinance Committee Meeting
Wednesday, March 3, 2010
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Trustee Rita Baker motioned to recommend the Ordinance of the Village of Freeburg Setting Forth Provisions for Compliance with the Illinois Freedom of Information Act and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.

7. New class of business license: The committee discussed Paul Anderson's concern about temporary businesses being able to come into the Village and compete with existing businesses. Rita asked if we could incorporate language into our code where we could make the temporary business pay sales tax to the Village. Dennis said we could raise the business license fee for a temporary/seasonal business license. This would help cover the revenue from the sales tax. After further discussion, the committee asked Dennis to check with Attorney Wigginton to see what his opinion of this is.

B. NEW BUSINESS: Dennis said Dave Self called him asking if a travel trailer could be parked on a lot to be used as a home. Dennis provided copies of the code which states that no travel trailer can be used as a dwelling or residence in any mobile home park.

Seth questioned the language under junkyards and asked about Bill Herr's situation and Dennis said his property is grandfathered in.

Rita brought up the compensation of officials topic discussed in the last board meeting. A copy of the current code was provided. Dennis said the Mayor told him he feels he shouldn't get paid if he doesn't show up for the meeting. Currently, our code does not specifically say the Mayor shouldn't get paid for a board meeting if he doesn't attend them. It only states he can't be paid for more than 6 committee meetings a month. Currently, the trustees are paid for board meetings whether they attend or not. They do not receive compensation if they miss a committee meeting. It also states if they miss more than 4 board meetings, they don't get paid for any meetings the rest of the year. The committee agreed to change the code to if the Mayor and trustees miss 4 board meetings, from that point on they will get paid only for the ones they attend. Dennis will check on what happens with an increase or decrease in the trustee's salary, will also take out the annual retainer language under Village Attorney and draft an ordinance incorporating these changes.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: Trustee Rita Baker motioned to adjourn the meeting at 5:36 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.



Julie Polson
Office Manager

officer and upon establishment, to the satisfaction of any court of competent jurisdiction, of the vicious character of said animal, it may be killed by a police officer or humane officer; provided however, that this section shall not apply to animals under the control of a law enforcement or military agency, nor to animals which are kept for the protection of property, provided that such animals are restrained by a leash or chain, cage, fence, or other adequate means, from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.

(4) The licensing authority may issue a temporary permit for the keeping, care, and protection of any infant animal native to this area which has been deemed to be homeless.

(B) *Definitions.*

(1) **WILD ANIMAL** shall mean any live monkey or ape, raccoon, skunk, fox, snake, or other reptile, leopard, panther, tiger, lion, lynx, or any other animal or any bird of prey which can normally be found in the wild state.

(2) A **VICIOUS ANIMAL** shall mean any animal which has previously attacked or bitten any person or which has behaved in such a manner that the person who harbors said animal knows or should reasonably know that the animal is possessed of tendencies to attack or bite persons.
(Former Code, § 3-2-6) Penalty, see § 10.99

§ 93.42 ANIMALS IN THE VILLAGE.

(A) *Certain prohibitions.* Except as otherwise provided in this chapter, no person shall keep within the village any cattle, cows, horses, sheep, swine, goats, chickens, ducks, turkeys, geese, rabbits, or other livestock.

(B) *Exceptions.* This section shall not apply in areas of the village that are zoned agricultural in nature nor shall this section apply to livestock brought into the village for the purpose of being shipped out of the village.

(C) *Powers of Police Chief.* The Police Chief shall have the power to issue an order prohibiting the keeping of any animal, fowl, or bird which is deemed to pose a health hazard to the general public.
(Former Code, § 3-2-7)

§ 93.43 KEEPING OF NUMEROUS DOGS AND CATS IN THE VILLAGE.

(A) *Nuisance.* The keeping of an unlimited number of dogs and cats in the village for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created. The keeping of an unlimited number of dogs and cats is, therefore, declared to be a public nuisance.

(1) **DOG** shall mean any canine, regardless of age or sex.

Proposal to Change Ordinance 93.42 To Allow Hens in Freeburg

We are offering this packet of supporting information to the Legal and Ordinance Committee regarding our request to allow Freeburg residents to raise laying hens for personal egg production. We appreciate your taking the time to consider this issue.

Overview

The Village has adopted a slogan on their website that states, “Freeburg, Illinois, where quality of life has meaning”. Allowing residents to keep a few backyard hens would allow them to decrease their environmental impact in a number of ways and definitely increase their quality of life:

- Composted chicken manure is a wonderful, chemical free fertilizer. Using compost instead of high-nitrogen petroleum-based chemical fertilizers will reduce excess nitrogen runoff into waterways and the storm-sewer system of Freeburg. We have had vegetable and flower gardens in our yard for 20 years and we prefer to use composted grass clippings and leaves, and we would like to include composted chicken manure for fertilizer in our gardens.
- Chickens eat a variety of yard and garden insect pests—including mosquitoes, slugs, and ticks. This would allow residents to reduce their usage of insecticides, which have many negative environmental impacts.
- The addition of composted chicken manure to the soil improves its organic material level, which helps improve the moisture retention ability of the soil. This would allow residents to more effectively conserve water.
- Chickens can be fed a variety of kitchen and garden ‘waste’ that would otherwise end up in a landfill.
- Backyard hens produce fresh, nutritious eggs, with almost no use of fossil fuels—they do not need to be transported from the farm to the store, or driven from the store to the home. The local food movement has been gaining momentum around the country, and allowing residents to raise hens would allow them to participate more fully in this.
- Allowing families in the village to raise their own chickens for eggs would provide a great educational value for children in seeing and interacting with backyard hens and beginning an understanding of the responsibilities of caring for animals. Parents, grandparents, and teachers could use chickens to help their children understand where food comes from, let them realize the benefit of raising your own food and caring for the animals that produce this food and also allow them to become closer to the food production process. We would like this for our grandchildren.
- Our main reason for wanting to raise our own hens for eggs is our ethical concerns for the way many (if not most) production laying hens spend their lives in conditions many find unfavorable. Organic eggs from free-range chickens are extremely expensive. We would like to be able to provide that same quality of eggs for our family from hens that have been raised in a more normal and healthier environment.

Since the Village has put effort into determining ways to improve sustainability, to reduce environmental impact, and to raise the quality of life of its citizens, we feel that the simple act of allowing residents to keep a few backyard hens could play an important role in this effort and should be given your consideration.

We would like to ask the Legal and Ordinance Committee to consider a change in the current Village Ordinance 93.42 to allow backyard hens in residential districts in Freeburg. In recent years, more and more cities and towns around the country have changed their ordinances to permit the keeping of hens in residential areas.

We propose the following be included in a new village ordinance:

1. To allow up to 12 chicken hens to be kept within the village for the purpose of providing eggs to the owner / resident
2. No roosters would be allowed to be kept to adulthood
3. The hens must be provided with a covered, predator-resistant chicken house that is properly ventilated, designed to be easily accessed, cleaned and maintained, with at least two (2) square feet of floor space per chicken
4. All hen housing would be at least fifteen feet from any abutting property line unless the owner or keeper of the hens obtains the written consent of the owner(s) of the abutting properties to which the enclosure is proposed to be more closely located; in which event, the agreed-upon location shall then be deemed acceptable notwithstanding any subsequent change in ownership of such abutting property or properties.
5. Eggs produced by the hens would be for personal consumption; no eggs could be sold for commercial purposes.
6. This new ordinance would override the zoning regulation 155.301 *Agricultural Activities* to allow the housing of chicken hens in the Village of Freeburg and that the housing for the hens be in compliance as per the above regulations

John and Barbara Olack
111 North Walnut Street
618-539-3969
jolack@att.net
barbaraolack@yahoo.com

A citizen group in the town of Cary, North Carolina, has compiled an information packet containing some facts supporting the raising of hens in residential districts and reports on the ordinances in various towns. They have contacted some of them to get ideas regarding the benefits of keeping backyard hens in urban and suburban settings. We are including a separate "paper" containing excerpts from their packet.

Cary Chicken Group Information Packet

... Allowing citizens to have hens for egg production would allow people to save some money in these challenging economic times. The following tables, assembled by the Cary Chicken Group, show the average costs associated with raising six hens. Numbers are provided for the first year and each subsequent year. The largest and most variable expense is the coop. The numbers below assume that the home owner will purchase hardware and build the coop with existing tools.

First Year Expenses

<i>Item</i>	<i>Cost</i>
<i>Coop</i>	<i>\$200.00</i>
<i>Estimated hardware cost to build a predator safe 4' x 6' coop with 6' x 12' closed run</i>	
<i>Permits</i>	<i>\$35.00</i>
<i>Estimated: \$10/year + \$25 One Time Coop Inspection</i>	
<i>Chickens x6</i>	<i>\$42.00</i>
<i>Assume 3-4 week old at \$7 per hen</i>	
<i>Starter Feed (5 Months) x6 Hens</i>	<i>\$60.00</i>
<i>Food consumed for 5 months prior to laying age. Each hen is \$2.50/month</i>	
<i>Standard Feed (7 Months) x6 Hens</i>	<i>\$105.00</i>
<i>Assumes hens are only fed feed (no vegetable scraps) for the remainder of first 1 year</i>	
<i>Total First Year Expense</i>	<i>\$442.00</i>

Subsequent Yearly Expenses

<i>Item</i>	<i>Cost</i>
<i>Permits</i>	<i>\$10.00</i>
<i>Estimated: \$10/year</i>	
<i>Replacement Hen x1</i>	<i>\$7.00</i>
<i>Assume need to replace 1 hen yearly on average. This accounts for mortality and reduced egg production as hen ages</i>	
<i>Starter Feed (5 Months) x1 Hen</i>	<i>\$10.00</i>
<i>Food consumed for 5 months prior to laying age. \$2.50/month</i>	
<i>Standard Feed (12 Months) x6 Hens</i>	<i>\$177.50</i>
<i>Assumes hens are only fed feed (no vegetable scraps) for the remainder of first 1 year.</i>	
<i>Replacement hen will eat starter feed for 5 months.</i>	
<i>Total Yearly Expense</i>	<i>\$204.50</i>

Egg Production

On average, each hen will lay 22 eggs per month during their prime laying years. Six hens will be able to easily provide enough eggs for a family of four, while still leaving extra eggs to donate to local food banks, family members, or to neighbors.

One Dozen Eggs	Cost
<i>Standard Grade "A" Large 2008 USDA Average Price</i>	\$2.20
<i>Farmer's Market Average Price at Farmers' Market</i>	\$3.50
<i>Cage Free Organic Average, non-sale price at Whole Foods</i>	\$5.00

Egg Cost

All of the first year costs are amortized in the first year, which yields eggs that are more expensive than can be purchased from other sources.

First Year Expense	\$442.00
<i>Dozens of Eggs laid</i>	77
<i>6 Hens * 22 eggs/month * 7 months</i>	
Cost per Dozen	\$5.74

Subsequent Yearly Egg Cost	\$204.50
<i>Yearly Expense</i>	
<i>Dozens of Eggs laid</i>	122.8
<i>5 Hens * 22 eggs/month * 12 months</i>	
<i>1 Replacement Hen * 22 eggs/month * 7 months</i>	
Cost per Dozen	\$1.66

Concerns

We have begun the work of researching details of the ordinances and experiences of other municipalities that allow chickens to get a better idea of which concerns seem to pose problems. We have also been looking at how the cities have addressed these issues in their ordinances, and whether or not they have been successful. Below is information that has been gathered to support or request.

Animal Control Enforcement/Complaints

The number of complaints per year ranges from 0 to 60, depending on the city. Locations with detailed ordinances, such as Madison, WI and Fort Collins, CO, have very few complaints per year. Madison has had one complaint since the ordinance was changed in 2004. Fort Collins has had three since the ordinance was changed in Sep 2008—the same number of complaints they had in the year previously. Municipalities with looser rules, such as Raleigh, NC, which has no limits on number, guidelines for enclosures, or prohibitions against roosters, seem to

have a higher rate of complaints. The ordinance that we envision creating would be more similar to the ordinances in Madison or Fort Collins, suggesting the number of complaints Cary Animal Control would have to deal with would be minimal—0-3 per year. At the higher end, we estimate there may be up to 7-9 complaints per year, which is rather insignificant in comparison to the 3,159 complaints Cary Animal Control received over the past year. This data suggests that backyard hens would not be a significant problem.

Table 1: Determination of Hen-based Animal Control Complaints

City	Population	Number of Chicken/hen Complaints per year	Number of All Animal Control Complaints/year	Chicken Complaints/year if the City had Cary's size population
Greensboro, NC	258,671	20	Unknown	10.4
Portland, OR	575,950	57	Unknown	12.86
Fort Collins, CO	136,509	3	12,000	2.8
Madison, WI	231,916	1	1,004	<1
Eugene, WA	154,620	11	Unknown	9.2
Raleigh, NC	392,552	~60	20,000	19.8
South Portland, ME	23,324	0	Unknown	0
Naperville, IN	147,779	2	Unknown	1.7
Round Rock, TX	104,446	0	Unknown	0
Cary, NC	134,000	Unknown	3,159	Estimate from average: 6.4

Slaughter

Some people have mentioned they are concerned about residents slaughtering chickens if chickens are allowed. The two options that the Issue Advisory Group would research for Cary are banning slaughter or a clause similar to the one that Durham adopted, which dictates any slaughtering must be done in an area not visible to neighbors or passers-by. Currently there is no prohibition against slaughtering or butchering any animal in Cary, and as far as we are aware, this has not created any issues. We asked the cities that we contacted whether or not slaughter was allowed, and if it had been an issue (not all cities were able to provide us with this information). The only municipality that stated it has been a problem in the past is Portland, OR. Madison, WI has some citizens who slaughter chickens, even though it is against the ordinance, but it occurred an equal amount before they legalized backyard hens. Also note they have never had an issue of any unsuspecting neighbors seeing the slaughter take place—they assume it has occurred because the bird is no longer present. Here is a summary of the data we have collected so far:

Table 2: Issues related to Slaughtering of Chickens

City	Slaughtering permitted?	Additional Comments
Greensboro,	Yes	Officer Garret stated that this is common and accepted in

NC		<i>some groups/cultures. Has not been a problem.</i>
Portland, OR	No	<i>Chris Wirth stated the issue has surfaced and has been mitigated by being performed outside the City of Portland boundaries.</i>
Fort Collins, CO	No	<i>They have had no issues.</i>
Madison, WI	No	<i>There are citizens who bring in roosters and slaughter them. This is a separate group of people from those who are involved in 'keeping' of chickens as outlined by the ordinance or otherwise. Patrick Comfert stated that these practices happened before the ordinance and have not proliferated since.</i>
Raleigh, NC	Yes	<i>No problems with the slaughtering of chickens.</i>
Naperville, IN	Yes	<i>There have never been any reports of problems.</i>
Charlotte, NC	Yes	<i>No problems, Officer Corkwell stated that the communities who slaughter do not want to lose the privilege and do it out of sight.</i>

Waste, Smell, and Water Runoff Issues

One of the main concerns that people have is the issue of chicken waste. Just like the waste of a dog, cat, or human, chicken poop can smell. However, there are ways to mitigate this. Just like a conscientious dog or cat owner cleans up after their pets, a responsible chicken owner cleans up after their chickens often enough to ensure there is no offensive odor. Deep litter methods and regular cleaning, along with limited numbers of hens, will prevent a coop from becoming a problem. Irresponsible people could end up with problems, but irresponsible people who own dogs or cats can create just as much of an odor problem. Of the cities we contacted, only Raleigh stated that odor issues were a major cause of complaints (and note that Raleigh has no limit on the number of chickens allowed, which could be a contributing factor to having more issues with smell than other municipalities).

A main tool that many cities have adopted in preventing smell issues is a required setback between the coop and neighboring residential structures or property lines. The Issue Advisory Group would work to determine an appropriate distance. Additionally, the Group would work to determine the appropriate number of hens—with the cap being set between 6-10, possibly on a sliding scale correlated to property size, as has been done in Greensboro NC and Seattle WA.

Additionally, unlike dog or cat wastes, chicken waste does not contain toxoplasmosis, tapeworms, roundworms, or giardia. According to the FDA, an average dog generates 3/4 of a pound of manure a day that cannot be composted because of these harmful bacteria and parasites (hookworms, roundworms, and tapeworms) that can infect humans. This waste is considered a major source of bacterial pollution in urban watersheds¹. Additionally, dog waste contains higher concentrations of nitrogen and phosphorus than chicken waste and is a major contributor of excessive nutrients that flow into ground and surface waters through runoff from city sidewalks and lawns². Ten chickens would produce 0.66lbs of solid waste per day—less waste than one forty-pound dog—all of which can be composted and used as fertilizer.

The CIRC commented that they were concerned that the usage of chicken manure as fertilizer would create excess nutrient runoff. Chicken manure is a good source of nutrients for the lawn and garden. On a small scale, chicken manure is not going to produce enough nutrients to cause water pollution. The manure that is accessible comes from the coop, which is usually covered with straw or sawdust or some other bedding that absorbs the moisture and nutrients.

In one year, a 4 lb laying hen will produce .5 lbs nitrogen, .5 lbs phosphorus and .35 lbs potassium per year³, or 5, 5, and 3.5 lbs/year for 10 birds. The rest of the waste is mostly water or is bound in forms that are not plant available.

According to the NC Cooperative Extension Service, the following are general recommendations for nutrient applications:

Vegetable garden: 2-3 lbs N/year/1000 square feet ⁴

Lawn: 0.5-4 lbs N/year/1000 square feet (depends on lawn type) ⁵

Therefore, an average lot in Cary can easily use the manure from a small flock and this manure would substantially reduce the need for commercial fertilizer.

Split applications of fertilizer (not all at once) give better utilization of nutrients⁵

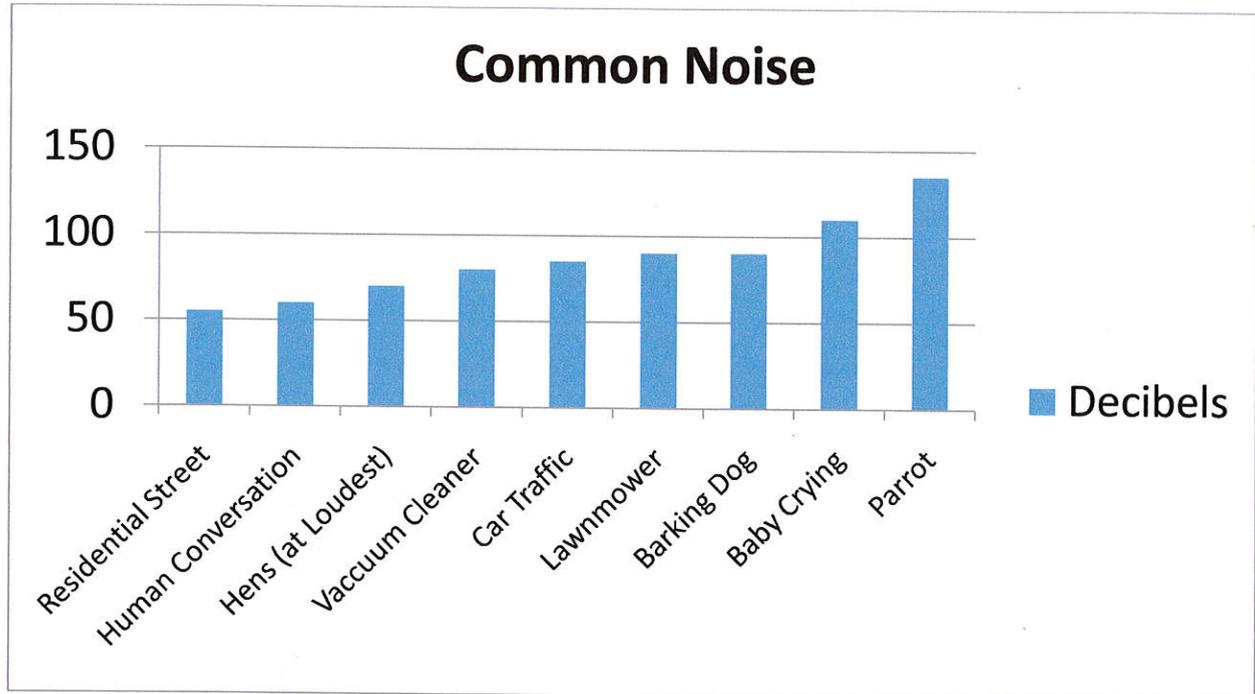
Backyard chickens, producing a small amount of waste continuously, would make it easy to apply the nutrients over time.

Increasing soil organic matter decreases the potential for runoff of any applied nutrients⁶

Applying manure mixed with straw or sawdust (and either composted or aged) would also add organic matter.

In conclusion, on a small scale, urban chickens are not likely to produce more nutrients than can be used by the plants on an average Cary lot. These nutrients would offset purchased fertilizers and would not increase water pollution.

Noise



Any ordinance change would be limited to hens only, and exclude roosters from residential neighborhoods. Hens are quiet, at the loudest they can reach about 70db for up to a few minutes right after laying an egg. They are always quiet at night because they are asleep in the coop from dusk till dawn, unlike dogs or cats. The average background sound level of a residential street is 55db, and with the exception of the 'egg song' the hens are generally not audible above the normal sounds of songbirds, wind in the trees, and passing cars. Barking dogs and lawnmowers average 90db, whereas parrots are 135db. Compared to these and other common noises in neighborhoods, hens would not be a noise problem. All the cities that stated they had noise complaints stated they were in respect to roosters.

Disease.

The main diseases that can be transmitted from chickens to humans are salmonella and avian influenza. The type of avian influenza (H5N1) that is contagious to humans has not been found in North America. Additionally, any disease that infects chickens is also capable of infecting wild birds, waterfowl, and pet birds such as finches and cockatiels, so permitting chickens is not going to introduce a vector for a disease that would otherwise not have a vector in the community.

Dogs and cats carry a variety of parasites, bacteria, fungi and viruses that can infect humans. Rabies, Cat Scratch Fever, Toxoplasmosis, and Ringworm can be transmitted to humans from interactions with infected animals or the remnants of their feces. Roundworm, hookworm, tapeworm, and giardia are some of the intestinal parasites that can be passed to humans from cat and dog waste or water that has been contaminated by that waste. Salmonella is also a concern with common pet birds such as parakeets and finches, reptiles, and amphibians kept as pets.

Predators

An additional concern that has been brought up is that allowing chickens would increase the population of predators (foxes, raccoons, and hawks) otherwise present in Cary. While it is true that all of these animals enjoy and will attempt to eat chickens, that is an issue that chicken-owners are going to have to address in proper coop design and construction. There is no reason to believe that there will be an increase in the number of predators living in Cary if chickens are allowed. An increase in the population of predator animals would require a sustained increase in the food supply. Backyard hens will not provide a sustained increase in the food supply—if a fox gets in and steals a hen, the owner will improve the coop to prevent this from happening again.

We asked all the cites we contacted if they had noticed this had been an issue, and they all either stated they had not seen an increase in the predator population as a result of allowing chickens, or that the question did not make sense.

References

- 1. Scooby Doo Campaign Information, Pacific Shellfish Institute.
<http://www.pacshell.org/projects/petwasteinfo.htm#facts>*
- 2. Since Dogs Do What They Do, What Can We Do to Improve the Doo-Doo Situation at Dog Parks? Dillon Sussman www.csld.edu/Downloads/Sussman_2008_DogParks.pdf*
- 3. How much fertilizer do your animals produce? University of Wisconsin Cooperative Extension, <http://learningstore.uwex.edu/pdf/A3601.pdf>.*
- 4. Home vegetable gardening. NC Cooperative Extension,
<http://www.ces.ncsu.edu/depts/hort/hil/pdf/ag-06.pdf>.*
- 5. Caring for your lawn and the environment. NC Cooperative Extension Service,
<http://www.neuse.ncsu.edu/LawnCare.htm>*

Sample Ordinances:

Madison, WI: Main Chicken Ordinance

28.08 RESIDENCE DISTRICTS.

- j. Keeping of up to four (4) chickens on a lot with up to four dwelling units, provided that:*
- i. No person shall keep any rooster.*
 - ii. No person shall slaughter any chickens.*
 - iii. The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.*
 - iv. No enclosure shall be located closer than twenty-five (25) feet to any residential structure on an adjacent lot.*
 - v. The owner, operator, or tenant obtains a license under Sec. 9.52, MGO.*
 - vi. The applicant for a license notifies all residents within two hundred (200) feet of the lot.*
 - vii. Not more than fifty percent (50%) of the residents notified in vi. above object within fourteen (14) days of notification.*

Additional relevant sections of the Madison Code:

7.29 RELATING TO KEEPING OF FOWL WITHIN THE CITY OF MADISON.

- (1) No person shall keep any ducks, geese, pigeons, birds, or other fowl within the City of Madison in any unsanitary condition or within such proximity of dwelling houses or in any manner so as to be a nuisance.*
- (2) The Director of Public Health shall, upon complaint or on his own initiative, inspect, or order a Public Health Sanitarian or a Humane Officer to inspect, premises upon which fowl are kept and ascertain and determine whether the conditions are unsanitary or if for any reason a nuisance is caused thereby. If the Director of Public Health determines that conditions are unsanitary, or if for any reason a nuisance exists, he shall order the owner or occupant of the premises to abate the nuisance and it shall thereupon be unlawful to keep such fowl on the premises. (Am. by ORD-08-00120, 10-24-08)*

7.30 SLAUGHTERING OF ANIMALS - DEPOSIT OF OFFAL.

- (1) It shall be unlawful for any person, persons, firm, or corporation to kill or slaughter any beeves, sheep, calves, hogs or any other animals within the limits of the City of Madison without having first obtained a permit therefore as hereinafter provided.*

7.37 RAT ERADICATION.

- (5) Rat Harborage to be prevented. All buildings and basement walls of all storerooms, warehouses, residences or other buildings within the City, all chicken yards or pens, chicken coops or houses, and all barns and stables, shall be so constructed or repaired as to prevent rats from being harbored underneath the same or within the walls thereof, and all food products or other products, goods, wares, and merchandise likely to attract or to become infested with or infected by rats, whether kept for sale or for any other purpose, shall be so protected as to prevent rats from gaining access thereto or coming in contact therewith.*
- (7) Ratproofing. It shall be the duty of the owner or manager of any building in the City of Madison to make such building reasonably ratproof, to replace broken basement windows, and when necessary to cover the basement window openings with hardware cloth or other suitable material for preventing rats from entering the building through such window openings. The owner or manager of any premises upon which sheds, barns, coops or similar buildings are located shall eliminate the rat harborages from within and under such buildings by ratproofing,*

raising the buildings above the ground, or by some other suitable method; or such sheds, barns, coops or other buildings shall be razed.

9.52 KEEPING OF CHICKENS.

Any person who keeps chickens in the City of Madison shall obtain an annual license prior to January 1 of each year, or within 30 days of acquiring the chickens. The license year commences on January 1 and ends on the following December 31. Application shall be made to the City Treasurer and the fee for the license shall be ten dollars (\$10.00). The Treasurer or other authorized individual shall collect the fee and shall assess and collect a late fee of five dollars (\$5.00) from every owner of chickens, if the owner fails to obtain a license prior to April 1 of each year, or fails to obtain a license within 30 days of acquiring the chickens. All late fees received or collected shall be paid into the local Treasury.

(Cr. by Ord. 13,605, 5-21-04; ORD-06-00154, 11-23-06)

Fort Collins, CO Chicken Ordinance:

Sec. 4-117. Sale of chickens and ducklings; quantity restricted; keeping of chickens.

(b) Except in those zone districts where the keeping of farm animals (as the term is defined in Section 5.1.2 of the Land Use Code) is allowed, the keeping of chicken roosters or more than six (6) chicken hens is prohibited. However, up to six (6) chicken hens may be kept per parcel of property, subject to the following requirements and subject to all other applicable provisions of this Chapter:

(1) If a parcel has more than one (1) dwelling unit, all adult residents and the owner(s) of the parcel must consent in writing to allowing the chicken hens on the property;

(2) Any person keeping chicken hens pursuant to this provision must first have been issued a permit by the Larimer Humane Society and have received such information or training pertaining to the keeping of chicken hens as the director of said agency deems appropriate;

(3) The chicken hens must be provided with a covered, predator-resistant chicken house that is properly ventilated, designed to be easily accessed, cleaned and maintained, and at least two (2) square feet per chicken in size;

(4) During daylight hours, the chicken hens must have access to the chicken house and also have access to an outdoor enclosure that is adequately fenced to protect them from predators;

(5) The chicken hens must be further protected from predators by being closed in the chicken house from dusk to dawn;

(6) Neither the chicken house nor the outdoor enclosure may be located less than fifteen (15) feet from any abutting property line unless the owner or keeper of the chicken hens obtains the written consent of the owner(s) of all abutting properties to which the enclosure is proposed to be more closely located; in which event, the agreed-upon location shall then be deemed acceptable notwithstanding any subsequent change in ownership of such abutting property or properties;

(7) The chicken hens must be sheltered or confined in such fashion as to prevent them from coming into contact with wild ducks or geese or their excrement; and

(8) The chicken hens may not be killed by or at the direction of the owner or keeper thereof except pursuant to the lawful order of state or county health officials, or for the purpose of euthanasia when surrendered to a licensed veterinarian or the Humane Society for such purpose, or as otherwise expressly permitted by law.

(Ord. No. 160, 1986, § 1(35-24), 11-4-86; Ord. No. 73, 1990, § 1, 7-17-90; Ord. No. 072, 2008, § 2, 9-2-08)

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE IX, CHAPTER 94, SECTION 94.63 OF THE REVISED CODE OF THE VILLAGE OF FREEBURG, ST. CLAIR COUNTY, ILLINOIS (BONFIRE REGULATIONS)

WHEREAS the President and Board of Trustees of the Village of Freeburg, County of St. Clair, State of Illinois, desire to effect changes to its existing code,

BE IT ORDAINED BY THE VILLAGE PRESIDENT AND VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF FREEBURG, ST. CLAIR COUNTY, ILLINOIS THAT:

Chapter 94, Section 94.63 (A) (7) shall be revised to read as follows:

Open burning fires, recreational or bonfires shall not be permitted between the hours of 12:00 AM and 6:00 AM.

This ordinance shall be in full force and effect immediately after its passage and publication as prescribed by law.

PASSED BY THE VILLAGE BOARD OF THE VILLAGE OF FREEBURG, ILLINOIS, ST. CLAIR COUNTY, AND APPROVED BY THE VILLAGE PRESIDENT THIS _____ DAY OF _____, 2010.

AYES

NAYS

ABSENT



COUNTY OF ST. CLAIR
DEPARTMENT OF BUILDING & ZONING



PHONE (618) 277-6600
FAX (618) 277-0482

10 PUBLIC SQUARE
BELLEVILLE, ILLINOIS 62220-1623
www.co.st-clair.il.us

RECEIVED

MAR 22 2010

March 16, 2010

Larry & Margaret Ann Schwaegel
Donald & Patsy Weber
Kenneth & Joann Bretsch TR
Ethel Schilling Et Al
Robert F. Stoneman
Joe Sr. & Evelyn Kreher
Kenneth & Lori Kreher

William Jr. & Janice Menn
Vera Maurer
Gary S. Parker
Village of Smithton
Village of Freeburg

RE: 2010-04-SP -- Daniel & Sharon Wiskamp
Owners & Applicants
6893 Blacksmith Shop Road, Freeburg, Illinois

DEAR SURROUNDING PROPERTY OWNERS:

Enclosed please find a copy of a "Notice of Public Hearing" which appeared in the March 11, 2010 issue of the Belleville News Democrat.

Please read this notice since the subject property is in the vicinity of property owned by you.

This public hearing before the Zoning Board of Appeals will be held in the St. Clair County Building, County Board Room – 5th Floor, #10 Public Square, Belleville, Illinois, on Monday, April 5, 2010 at 7:10 P.M..

If you have any questions, please feel free to call.

Sincerely,

MIKE MITCHELL, Zoning Director

MM:plc

CERTIFICATE OF PUBLICATION

STATE OF ILLINOIS)
COUNTY OF ST. CLAIR) ss.

This is to certify that the undersigned Jay Tebbe is the president and publisher of the NEWS-DEMOCRAT a public and English secular newspaper of general circulation, which has been regularly published daily in the City of Belleville, County of St. Clair and State of Illinois, for at least one year prior to the first publication of the notice hereinafter mentioned, and that a notice of which the annexed is a true printed copy, has been published in said newspaper ONCE, the publication thereof having been made in the issue of said newspaper, published on March 11, 2010.

JAY TEBBE
President and Publisher

By D Anderson
His Authorized Agent

**PUBLIC NOTICE
NOTICE OF
PUBLIC HEARING
BEFORE THE
ST. CLAIR COUNTY
ZONING BOARD
OF APPEALS**

RE: 2010-04-SP

Notice is hereby given that a public hearing will be held before the Zoning Board of Appeals of St. Clair County, Illinois, on Monday, April 5, 2010 at 7:10 P.M., in the County Board Room, 5th Floor, St. Clair County Building, #10 Public Square, Belleville, Illinois, at which time and place the Board will consider the proposed variation to the County Zoning Ordinance as follows:

To consider a request for a Special Use Permit to allow a Farm Residence (Secondary) on 5-acres in an "A" Agricultural Industry Zone District, on the following described property: Pt. of the SW 1/4 of Section 1, T. 2 S., R. 8 W., of the 3rd P.M., St. Clair County, Illinois containing 5.0 acres more or less.

Which is known as 6893 Blacksmith Shop Road, Freeburg, Illinois, in Prairie DuLong Township.

Said request was made by Daniel & Sharon Wiskamp, 6901 Blacksmith Shop Road, Freeburg, Illinois, Owners & Applicants.

The applicant believes the proposed amendment would be the highest and best use of the property.

All persons desiring to appear for or against said petition may appear at said hearing and be heard thereon.

Dated this 11th day of March, 2010.

ZONING BOARD
OF APPEALS
ST. CLAIR COUNTY,
ILLINOIS
BY: Mike Mitchell,
Secretary

L-P1065623 (Mar. 11)