

CITY OF MONTICELLO
PIATT COUNTY, ILLINOIS

ORDINANCE NO. 2023-29

AN ORDINANCE AMENDING CHAPTER 90 OF TITLE IX OF THE
MUNICIPAL CODE OF THE CITY OF MONTICELLO REGARDING HENS

ADOPTED BY THE
CITY COUNCIL
CITY OF MONTICELLO
THIS 12TH DAY OF JUNE, 2023

Published in pamphlet form by authority of the City Council of the City of Monticello, Piatt County, Illinois, this 13th day of June, 2023.

**CITY OF MONTICELLO
PIATT COUNTY, ILLINOIS**

ORDINANCE NO. 2023 - 29

**AN ORDINANCE AMENDING CHAPTER 90 OF TITLE IX OF THE
MUNICIPAL CODE OF THE CITY OF MONTICELLO REGARDING HENS**

WHEREAS, the City of Monticello (“City”) is an Illinois non-home rule municipality organized and operating under the Illinois Municipal Code (the “Code”); and

WHEREAS, the City has the general authority to prohibit animals from running at large, and may regulate and control dogs, cats, and other animals, 510 ILCS 5/24; and

WHEREAS, the City may define, prevent, and abate nuisances, 65 ILCS 5/11-60-2, including the keeping of diseased animals (*Durand vs Dyson*, 271 Ill. 382, 389 (1915)); and

WHEREAS, the City may do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of diseases, 65 ILCS 5/11-20-5, 510 ILCS 5/14; and

WHEREAS, the City may prohibit cruelty to animals, 65 ILCS 5/11-5-6; and

WHEREAS, the City has reviewed and expressed a desire to update Chapter 90 of its Code of Ordinances regarding the keeping of animals within the corporate limits of the City.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Monticello, Piatt County, Illinois, as follows:

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

Section 2. SECTION AMENDED. Section 90.01 of Chapter 90 of Title IX of the City of Monticello Code of Ordinances, titled “DEFINITIONS,” is hereby amended to add the following definitions in the proper alphabetical order as follows (additions in **bold and underline**, deletions in ~~**bold and strikeout**~~):

§ 90.01 DEFINITIONS.

COOP. A small building for housing poultry.

HEN. An adult female chicken (Gallus Domesticus of the Phasianidae family) are domestic birds that cannot fly.

ZONING ADMINISTRATOR. The City of Monticello Building and Zoning Administrator or his/her designee.

RUN. A chicken run is a fenced-off area where chickens can roam.

Section 3. CHAPTER AMENDED. Chapter 90 of Title IX of the City of Monticello Code of Ordinances, titled “ANIMALS,” is hereby amended as follows (additions in bold and underline, deletions in ~~**bold and strikeout**~~):

[...]

§ 90.02 ~~RUNNING AT LARGE~~ NUISANCE DECLARED

- (A) It shall be unlawful, and hereby declared to be a nuisance, for any animal to run or go at large at any time within the city, and any person being the owner of the animals running at large shall be in violation of this chapter.
- (B) **It is unlawful, and hereby declared to be a nuisance, for any person to keep any rooster, duck, pigeon, goose or other domestic fowl, peacock, fox, swine, pig, sheep, goat, cattle, horse, mule, or pony on any premises owned, occupied, or controlled by him or her in the city; except that the lawful keeping of hens in accordance with this Chapter 90 shall not be declared a nuisance.**

§ 90.03 HOUSING

- (A) ~~All coops, hutches, and enclosures in which any animals are kept must be kept in a sanitary manner and be regularly cleaned in order to prevent any accumulation of dirt, manure, or offal. No person shall~~

raise, harbor, or keep hens within the city unless a permit has been issued by the Zoning Administrator as set forth in this section.

- (B) ~~It is unlawful, and hereby declared to be a nuisance, for any person to keep any rooster, peacock, fox, swine, pig, sheep, goat, cattle, horse, mule, or pony on any premises owned, occupied, or controlled by him or her in the city. All nonconforming animals shall be removed or made conforming to the requirements of this division (B) on or before May 1, 2013. The number of hens allowed shall be a maximum of six hens per property.~~
- (C) ~~It is unlawful, and hereby declared to be a nuisance, for any person to keep on any premises owned, occupied, or controlled by him or her in the city any hens, ducks, pigeons, geese or other domestic fowl, unless:~~
- ~~(1) The number of fowls does not exceed 6;~~
 - ~~(2) The fowls are kept in an enclosure, no part of which is:
 - ~~(a) Within 150 feet of any occupied residence, other than that of the owner, as measured from the nearest corner of the occupied residence to the nearest corner of the enclosure; or~~
 - ~~(b) Within 20 feet of any adjacent property, other than that of the owner, as measured from any property boundary to the nearest corner of the enclosure; and~~~~
 - ~~(3) On or before May 1 of each year the person:
 - ~~(a) Registers with the City Clerk, on forms prepared and supplied by the City Clerk; and~~
 - ~~(b) Files a certificate of inspection with the City Clerk, demonstrating the Building and Zoning Administrator has completed an inspection of the premises, under § 153.070 of this code of ordinances, within 12 months of the date of filing. There is no fee for inspections under this division (C)(3).~~~~

Permits will only be granted to persons who reside on parcels with the following zoning designations: Single Family Residential (RE-1), Urban Residential (RD), and Suburban Residential (RS) as defined in § 153.015, Designation of Districts.

- (D) ~~All nonconforming animals must be removed or made conforming to the requirements of division (C) above on or before May 1, 2013; except owners that obtain a nonconforming animal certificate from the City Clerk, as provided under division (E) below. Permittees must provide the following care for hens:~~
- ~~(1) No hen shall be permitted to run at large. Hens shall be kept in a designated coop or run during daylight hours, or in a coop during non-daylight hours. Hens may be allowed to exercise in a rear yard with a six-foot fence with supervision.~~

- (a) If the coop and run are not within a fenced yard, hens must be kept within the coop and run at all times.
- (b) Fences must meet the standards outlined in § 153.038, Fences.
- (c) Feed must be stored in a fully enclosed, rodent-proof container.

(E) ~~An owner may obtain a nonconforming animal certificate by making application on forms prepared and supplied by the City Clerk on or before May 1 of each year, and providing a sworn statement that:~~

- ~~(1) The owner owned the fowls on or before September 1, 2012;~~
- ~~(2) The fowls are kept in an enclosure, no part of which is within 75 feet of any occupied residence, other than that of the owner, as measured from the nearest corner of the occupied residence to the nearest corner of the enclosure; and~~
- ~~(3) The owner is in compliance with the remaining provisions of division (C) of this section.~~

Hens must be kept in chicken coops and runs, in accordance with the following provisions:

- (1) The chicken coop and/or run shall be located in the rear yard of the residential structure, but not the side or front yards as defined in § 153.019 Lot Area, Yard and Bulk regulations.
- (2) The chicken coop and run shall meet all minimum setback requirements from the property and be located 25 feet from any neighboring dwelling.
- (3) The coop must be built to provide ventilation, shade, protection from precipitation and cold weather, and security from predators, wild birds, and rodents.
- (4) Openings in windows and doors must be covered by wire mesh or screens to deter predators.
- (5) Access doors must be sized and placed for ease of cleaning.
- (6) 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.
- (7) The run must be enclosed on all sides, including the top or roof plane.
- (8) The coop shall provide a minimum of four square feet of floor area per hen. The run shall provide a minimum of eight square feet of floor area per hen.
- (9) Coops are considered an ‘accessory structure’ as defined in § 153.020 Accessory Buildings, Structures and Uses, and must meet all standards outlined therein.
- (10) Coops require a building permit.
- (11) The coops, run, and enclosures in which any hens are kept must be kept in a sanitary manner and be regularly cleaned in order to prevent any accumulation of dirt, manure, or offal.

They 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 regularly and at a minimum of once per week.

- (12) Odors from hens, manure, or related substances shall not be detectable from property lines.
- (13) Manure must be stored and disposed of properly. Manure may be composted. All manure not composted must be removed from property regularly and at a minimum of once per week.
- (14) Hens, coops, and runs not maintained according to this section shall be deemed a public nuisance.

(F) ~~A noneonforming animal certificate cannot be transferred or expanded beyond the existing animals, owner, or subject property. All noneonforming animal certificates will expire, and the owner must comply with all requirements of division (C) of this section, upon:~~

- ~~(1) Making a false statement on a noneonforming animal certificate application under division (E) of this section;~~
- ~~(2) Any violation of this Chapter 90; or~~
- ~~(3) May 1, 2023.~~

Obtaining a Permit from the City of Monticello. No person shall maintain a coop and run without first obtaining a permit.

- (1) Permits shall be issued when:
 - (a) The applicant files a complete application to obtain or renew a permit with the Zoning Administrator, on forms prescribed by the city and supplied by the Zoning Administrator; and
 - (b) The applicant receives a certificate of inspection from the Zoning Administrator demonstrating compliance with this Chapter.
- (2) If the applicant is a tenant of the property on which the hens are to be kept, then the owner of the property must be a joint applicant and shall be a joint permittee equally responsible for compliance with all laws and regulations.
- (3) Initial applications must be accompanied by a \$25.00 application fee. There is no fee for renewal applications.

(G) The City may deny a permit to or revoke a permit for any person who:

- (1) made false statements on any application or other information or report required by this § 90.03.
- (2) owes a debt to the City;
- (3) has, in the last five (5) years prior to application for a permit under this section been convicted, pled guilty, or found liable for any violation of Section 90 (Animals), Section 93 (Health

and Sanitation Nuisances) or Section 153 (Zoning Regulations); or

(4) does not meet the requirements of this § 90.03.

(H) All permits issued pursuant to this section shall be valid for one year from the date of issuance. Permits may be automatically renewed if the permittee has been in compliance during the previous year. If the permittee is found to be in violation of the standards outlined in § 90.03, the permit may be revoked and may not be renewed at the end of the permit term. A new permit will only be issued to a person with a revoked or non-renewed permit after a new application and inspection under § 90.03(F).

(I) If the permittee is found to be in violation of the Illinois Criminal Code prohibition Cruelty to Animals, 510 ILCS 70/3, et seq., or § 90.03(A) of the City Code, the permit will be immediately and permanently revoked.

(J) Only one permit will be issued per zoning lot. A zoning lot consisting of multiple platted lots shall be considered one lot.

(K) Permits are not transferrable to any other person or property.

[...]

§ 90.08 IMPOUNDING.

(A) An animal is hereby declared to be a nuisance, and may be taken up and impounded:

- (1) That is unlawfully running at large or is otherwise declared to be a nuisance by Section 90.02 or 90.03 of this Chapter;**
- (2) Which may in any manner unduly disturb the quiet of any person or neighborhood within the city;**
- (3) Which bites any person or injures any person so as to cause an abrasion of the skin; or**
- (4) That is a dog that commits acts or behaves in a manner within the definition of a “dangerous dog” and/or a “vicious dog”, as defined by the Illinois Animal Control Act, ILCS Ch. 510, Act 5, §§ 1 et seq.**

[...]

Section 4. SEVERABILITY. This Ordinance and every provision thereof shall be considered severable and the invalidity of any section clause, paragraph, sentence or provision of this Ordinance will not affect the validity of any other portion of this Ordinance.

Section 5. SUPERSEDER. All ordinances, resolutions, motions, or orders in conflict herewith shall be, and the same hereby are, repealed to the extent of such conflict.

Section 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage and approval as provided by law.

Passed by the City Council of the City of Monticello, Piatt County, this 12th day of June, 2023, by the following roll-call vote:

AYES:

NAYS:

ABSENT:

Jill Potts, City Clerk
City of Monticello, Piatt County, Illinois

Approved by the Mayor of the City of Monticello this 12th day of June, 2023.

Larry Stoner, Mayor

ATTEST:

Jill Potts, City Clerk

City of Monticello, Piatt County, Illinois