

23-O-10

AN ORDINANCE

**Amending Various Sections of Title 9, "Public Safety,"
Chapter 4, "Dogs, Cats, Animals, and Fowl,"
of the City Code of the City of Evanston and other
Related Sections of the City Code**

WHEREAS, Title 9, Chapter 4, Section 5 bans the keeping of all poultry including hens within City limits; and

WHEREAS, The City has the power to amend its Ordinances; and

WHEREAS, It is the will of the People of the City of Evanston and the City Council to allow for the keeping of hens within the City limits.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That Title 9, "Public Safety," Chapter 4, "Dogs, Cats, Animals, and Fowl," Section 5, "Certain Animals Prohibited" of the Evanston City Code of 1979, as amended, is hereby further amended to read as follows:

9-4-5: CERTAIN ANIMALS PROHIBITED:

A. It shall be unlawful, and is hereby declared a nuisance for any person to keep or allow to be kept any animal of the species of horse, mule, swine, sheep, goat, cattle, poultry (with the exception of hens as herein provided), skunks, or poisonous reptiles within the corporation limits of the City of Evanston.

B. Hens shall mean the female of the species *Gallus Gallus Domesticas*.

C. It shall be unlawful to keep roosters within City limits.

1. The number of hens allowed shall be no less than two (2), and no more than six (6).

2. Any structures housing hens shall be termed an "Accessory Structure" as defined in Title 6, Chapter 18, Section 3 of the Evanston City Code, and shall abide by

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all requirements set forth in Title 6, Chapter 4, Section 6-2, "General Provisions for Accessory Uses and Structures," and Title 5, Chapter 1, "Property Maintenance Code" of the Evanston City Code.

3. Applicants shall register with the Illinois Department of Agriculture Livestock Premises Registration, and must have proof of registration on site.

4. Care for hens shall follow the provisions set forth in this Chapter.

5. Hens shall be kept in such a way so as not to cause a nuisance as defined in Title 1, Chapter 3, Section 2, and enumerated in Title 8, Chapter 4, Section 1 of the Evanston City Code and shall be kept in conformance with the following requirements:

a. Hen yards and coops shall be constructed and maintained to reasonably prevent the collection of standing water; and shall be cleaned of hen droppings, uneaten or discarded feed, feathers, and other waste with such frequency as is necessary to ensure the hen yard and coop do not become nuisances as defined in Title 8, Chapter 4, Section 1 of the Evanston City Code.

b. Hens shall be kept in an enclosure which shall be maintained in such a manner so as to protect the hens from predators and trespassers.

c. Hen coops shall be built and kept in such a manner so as to allow for easy ingress and egress for the hens and shall offer protection from weather elements including cold temperatures.

d. Hen coops and yards shall be large enough to provide at least four (4) feet per hen.

6. Licenses for coops must be obtained and shall meet the rules of this Chapter where applicable.

a. Prior to a license being granted to an applicant, the applicant must show proof of notice to all adjacent landowners except landowners that are municipalities or utilities.

b. A license shall not be granted unless the applicant has obtained all necessary building permits and can show proof that a hen yard and coop that comply with this section have been erected.

c. Coop licenses shall not run with the land.

d. Applications shall be submitted to the City of Evanston Public Health Director who shall have the authority to enforce this ordinance.

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e. An applicant who lives in an apartment or condominium building is not eligible to receive a coop license.

f. No more than twenty (20) valid coop licenses shall be active within the City of Evanston at any given time for the first calendar year that this ordinance is in effect.

7. No person shall slaughter any hen, or any other animal, within City limits. Nothing in this ordinance is to be interpreted as prohibiting any licensed establishment from slaughtering for food purposes any animals which are specifically raised for food purposes.

8. Any person found to be in violation of this Ordinance shall be fined not less than \$50.00 nor more than \$750.00 for each offense. In the event that an owner is adjudged to have three (3) violations of this Ordinance, the owner's coop license shall be revoked. Each day an owner is not compliant with this ordinance shall constitute a separate offense.

SECTION 2: That Title 9, "Public Safety, Chapter 4, "Dogs, Cats, Animals, and Fowl," Section 4, "Certain Animals Prohibited" of the Evanston City Code of 1979, as amended, is hereby further amended to read as follows:

9-4-4: LICENSE FEES:

(A) General: Upon furnishing of the information required by section 9-4-3-4 of this chapter and a showing by any applicant for a license that he or she is prepared to comply with the regulations promulgated by the finance director, a license shall be issued following the payment of the applicable fee as follows:

Hen coop fee	\$50.00
Neutered dogs and cats	\$10.00
Dangerous dogs	\$100.00
All other cats and non-dangerous dogs	\$15.00
Each kennel or pet shop, covering all animals kept during the year	\$60.00
Any zoological garden or animal act, covering all animals kept	\$120.00

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No fee shall be required of any humane society, veterinary hospital, or municipal animal control facility.

SECTION 3: That Title 6, "Zoning", Chapter 4, "General Provisions for Accessory Uses and Structures" Section 6-2 of the Evanston City Code of 1979 is hereby further amended to read as follows:

6-4-6-2: GENERAL PROVISIONS FOR ACCESSORY USES AND STRUCTURES

(B) Accessory uses shall be compatible with the principal use. Accessory uses shall not include a kennel or an accessory building for the keeping or the propagation of livestock. (However, dog runs and hen coops shall be permitted as accessory uses.)

SECTION 4: That Title 6 "Zoning", Chapter 4, "Allowable Accessory Uses and Structures (Detached from Principal Structure)", Section 6-3 of the Evanston City Code of 1979 is hereby further amended to read as follows:

6-4-6-3: ALLOWABLE ACCESSORY USES AND STRUCTURES (DETACHED FROM PRINCIPAL STRUCTURE)

(B) Table 4-A - Permitted Accessory Buildings, Structures And Uses:

Table 4-A includes yard obstructions (see subsection 6-4-1-9(B) of this chapter) attached to the principal or a secondary structure as well as freestanding accessory buildings, structures, and uses.

25. Sheds and storage structures for garden equipment (sheds for propagation or keeping of birds, poultry (except hens), or livestock are prohibited)

SECTION 5: That Title 8 "Health and Sanitation", Chapter 4 "Nuisances", Section 1 of the Evanston City Code of 1979 is hereby further amended to read as follows:

8-4-1: ENUMERATION OF PARTICULAR NUISANCES

(F)Animals And Fowl:

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1. Keeping Chicken or Hen Coops, Stables, Privies In Filthy Condition: To keep, or suffer to be kept, in a foul, offensive, nauseous or filthy condition any chicken or hen coop, cow house, stable, cellar, vault, drain, pool, privy, sewer or sink, upon any premises belonging to or occupied by any person or any railroad car, building, yard, grounds and premises belonging to or occupied by said person.

SECTION 6: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: That this Ordinance 23-O-10 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: August 9, 2010

Adopted: September 27, 2010

Approved:

October 6, 2010

Elizabeth B Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene
Rodney Greene, City Clerk

Approved as to form:

W. Grant Farrar
W. Grant Farrar, Corporation Counsel

