

**ORDINANCE NO. 23-01**

**VILLAGE OF WASHBURN, ILLINOIS**

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE VILLAGE OF WASHBURN, ILLINOIS BY AMENDING CHAPTER 91: ANIMALS TO PROVIDE APPROPRIATE STANDARDS AND REGULATIONS FOR KEEPING CHICKENS FOR NONCOMMERCIAL PURPOSES WITHIN A RESIDENTIAL ENVIRONMENT.**

**PASSED BY THE PRESIDENT AND VILLAGE BOARD OF TRUSTEES  
OF THE VILLAGE OF WASHBURN, ILLINOIS  
ON THE 10<sup>th</sup> OF April, 2023.**

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**WHEREAS**, the Village of Washburn, Illinois (“Village”) has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and that protect the public health, safety, and welfare of its citizens; and

**WHEREAS**, the Village previously adopted an Ordinance regarding animals restricted within the limits of the Village, known as the Animal Control Act of the Village of Washburn (“Animal Control Act”); *see* MUNICIPAL CODE § 91.01; and

**WHEREAS**, the Animal Control Act currently restricts the maximum number of poultry to four animals per acre of fenced pasture; *see* MUNICIPAL CODE § 91.03(D)(2); and

**WHEREAS**, the Village desires to amend the Municipal Code to allow for the keeping of chickens for noncommercial purposes within a residential environment; and

**WHEREAS**, the Village desires to amend the Municipal Code to establish standards and limitations for the keeping of chickens for noncommercial purposes within a residential environment so as to avoid adverse impacts on neighboring properties and residents and to provide for the health and safety of the chickens;

**NOW THEREFORE, BE IT ORDAINED BY VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF WASHBURN, ILLINOIS, THAT:**

**SECTION 1. Adoption of amendments.** Chapter 91 of the Municipal Code shall be amended by the additions of the following language, underlined and in blue, so that Chapter 91 will read in part as follows:

§ 91.03 ANIMALS RESTRICTED.

(A) It shall be unlawful for any person to leave any horse or mule, or any team, in any unenclosed or public place without being fastened, guarded, or secured so as to prevent its running away.

(B) It shall be unlawful for any person to willfully drive or entice any animal from beyond the inhabited part of the village into the same or to aid or abet the same, or to let any animal out of any enclosure in which it may be confined, or to aid or abet in the letting out or escape thereof in order to take up or impound the same.

(C) It shall be unlawful to keep any animal deemed wild or dangerous within the limits of the village.

(D) It shall be unlawful to keep any animal normally deemed a “farm animal” within the limits of the village except for beef cattle, sheep, goats, horses, ponies, mules, donkeys, and poultry. The maximum number of animals shall not exceed:

(1) Livestock: one animal per acre of fenced pasture; and/or

(2) Poultry: four animals per acre of fenced pasture. Notwithstanding this provision, it shall be lawful to keep chickens for noncommercial purposes within a residential environment in accordance with section 91.16.

(E) It shall be unlawful for any person to take out or tether any horse, mule, ass, cow, or other animal in any street or avenue, within the limits of the village, or to cause, suffer, or permit any such animal belonging to him or her or in his or her possession to be staked out or tethered in any street or avenue of the village.

...

§ 91.16 KEEPING CHICKENS FOR NONCOMMERCIAL PURPOSES WITHIN A RESIDENTIAL ENVIRONMENT.

(A) DEFINITIONS AND RULES OF CONSTRUCTION.

**CHICKEN.** For the purpose of this section, a chicken refers only to a female chicken.

**“CHICKEN ENCLOSURE”** means a fenced (or wire) area, or pen, required in association with a coop in order to provide an outside exercise area for the chickens free from predators, and of a size that allows for access to a foraging area, sunlight, etc.

**“COOP”** means the covered house, structure or room that is required in order to provide chickens with shelter from the weather and with a roosting area protected from predators.

(B) GENERAL CONDITIONS FOR THE KEEPING OF CHICKENS.

(1) No person shall keep more than ten (10) chickens.

(2) Chickens must be kept within the coop or enclosure at all times.

(3) No ducks, geese, turkeys, peafowl, or male chickens/roosters, or any other poultry or fowl may be kept under the provisions of this section.

(4) Chickens shall be kept for personal use only.

(C) LOCATION AND REQUIREMENTS FOR CHICKEN COOPS AND ENCLOSURES.

(1) Any chicken coop and fenced enclosure must be located in the rear yard and a minimum of ten feet from property line.

(2) The coop shall be covered and ventilated, and a fenced enclosure/run is required. The coop and enclosure must be completely secured from predators, including all openings, ventilation holes, doors and gates.

(3) All stored feed must be kept in a rodent—and predator—proof container.

(4) The coop shall provide a minimum of three square feet per chicken and be of a sufficient size to permit free movement of the chickens. The coop may not be taller than six feet, measured from the natural grade, and must be easily accessible for cleaning and maintenance.

(D) HEALTH AND SANITATION AS APPLIED TO THE KEEPING OF CHICKENS.

(1) Chickens shall not be permitted to trespass on neighboring properties, be released or set free and shall be kept within a coop and enclosure. Chickens running at large within the village are hereby declared nuisances.

(2) Chicken coops and enclosures shall be maintained in a clean and sanitary condition at all times. Chickens shall not be permitted to create a nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition.

**SECTION 2. Severability.** If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

**SECTION 3. Publication.** The City Clerk shall publish this Ordinance in pamphlet form.

**SECTION 4. Effective date.** This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

**ADOPTED** by the Village Board of Trustees of the Village of Washburn, Illinois on this 10<sup>th</sup> day of April, 2023.

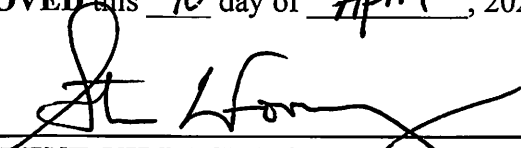
**AYES:** 6

**NAYS:** 0

**ABSTENTIONS:**

**ABSENT:**

APPROVED this 10 day of April, 2023:

  
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PRESIDENT, VILLAGE BOARD OF TRUSTEES

ATTEST:

  
\_\_\_\_\_  
VILLAGE CLERK

**CERTIFICATE OF PUBLICATION**

I, LINDA JUSTICE, the duly qualified Village Clerk of the Village of Washburn, Illinois, and the official custodian of the records of said County do hereby certify that this Ordinance was published in pamphlet form by the authority of the Village Board on the 11 day of April, 2023.

  
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**LINDA JUSTICE**, Village Clerk