

CITY OF LE ROY  
COUNTY OF McLEAN, STATE OF ILLINOIS

ORDINANCE NO. 23-02-03-51

AN ORDINANCE AMENDING THE CITY CODE –  
KEEPING OF POULTRY

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ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS

20<sup>th</sup> Day of February, 2023

PRESENTED: February 20, 2023

PASSED: February 20, 2023

APPROVED: February 20, 2023

RECORDED: February 20, 2023

PUBLISHED: February 20, 2023  
In Pamphlet Form

Voting "Aye" 8

Voting "Nay" 0

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The undersigned being the duly qualified and acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned **ordinance** and that such **ordinance** was presented, passed, approved, recorded and published as above stated.



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Anita Corso  
City Clerk of the City of  
Le Roy, McLean County, Illinois

Dated: **February 20, 2023**

(SEAL)



**ORDINANCE NO. 23-02-03-51**

**AN ORDINANCE AMENDING THE CITY CODE -  
KEEPING OF POULTRY**

**WHEREAS**, the City of Le Roy has authority, pursuant to the Illinois law, to regulate animals within its border and within its parks and public spaces; and

**WHEREAS**, pursuant to 65 ILCS 5/11-13-1 *et seq.*, the City of Le Roy has enacted zoning regulations that have been codified in Title 10 of the City Code;

**WHEREAS**, the keeping of poultry is not currently permitted within the City of Le Roy;

**WHEREAS**, in accordance with Section 10-2-1-1(D)(4) of the City Code, the proposed amendment to the Zoning Regulations ("***Proposed Amendment***") was referred to the Le Roy Zoning Board of Appeals ("***ZBA***") for a public hearing and recommendation; and

**WHEREAS**, pursuant to notice duly published, the ZBA conducted a public hearing on February 9<sup>th</sup> 7:00 p.m., for the purpose of hearing and considering testimony on the ***Proposed Amendment***; and

**WHEREAS**, at the conclusion of the public hearing, the ZBA recommended approval of the Proposed Amendment; and

**WHEREAS**, it is in the best interest of the health, safety and welfare of the citizens of the City of Le Roy to amend the City Code to permit the keeping of poultry, subject to limitations provided herein.

**NOW THEREFORE, BE IT ORDAINED** by the City Council for the City of Le Roy, McLean County, Illinois, as follows:

**Section 1. Recitals.** The foregoing Recitals are incorporated herein and form a part of this Ordinance.

**Section 2. Amendment to Section 4-1-3 of the City Code.** Section 4-1-3, entitled

“Public Nuisances Affecting Health,” of the City Code is hereby amended as follows (additions in **bold and underline**, ~~stricken, bolded text removed~~):

The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances but shall not be construed to exclude other health nuisances coming within Section 4-1-2 of this chapter:

A. Unwholesome Food or Beverage: All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.

...

H. Animal Houses. Any barn, stable, yard, shed, pen or other place where animals or fowl are kept which is not maintained in a clean condition or any animals or fowl which, because of disease, unsanitary conditions, **manure**, odor, or noise, or discomfort, injure the health or well being of residents of the City.

...

J. Noxious Weeds: All noxious weeds as defined by 505 Illinois Compiled Statutes 5/1 et seq.

**Section 3. Amendment to Section 5-1-1 of the City Code.** Section 5-1-1, entitled

“Definitions,” of the City Code is hereby amended as follows (additions in **bold and underline**, ~~stricken, bolded text removed~~):

...

**CAT**

All domestic members of the feline family, *Felis catus*.

**CHICKEN**

**All members of the subspecies *Gallus gallus domesticus*, a domesticated fowl.**

**CONFINED**

Restriction of an animal at all times by the owner or his agent to an escape proof building, house, or other enclosure away from other animals and the public.

...

**OWNER**

Any person having a right of property in an animal; or any person who keeps or harbors such animal; or has an animal in his/her care; or who acts as such animal's custodian; or who knowingly permits such animal to remain on or about any premises occupied by such person.

**PERMITTING OFFICER**

**The City Administrator or his/her designee.**

**PERMITTEE**

**An applicant who has been granted a permit to raise, harbor, or keep chickens pursuant to the City Code. If the applicant is a rental tenant of the property on which the chickens 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.**

**Section 4. Amendment to Section 5-1-2 of the City Code.** Section 5-1-2, entitled

“General Regulations and Licensing,” of the City Code is hereby amended as follows (additions in **bold and underline**, ~~stricken, bolded text removed~~):

...

K. Housing: No person shall cause or allow any place where any animal is or may be kept to become unclean, or unwholesome, and it shall be unlawful to have or keep any live goats, cattle, ~~chickens~~, roosters, horses, rabbits, swine pigs, or other barnyard farm animals, **other than hens**, in the City.

...

U. Dog Dealer and Kennel Operator: No person shall engage in the business of dog dealer or kennel operator within the corporate limits of the City of Le Roy unless such person has a valid license issued by the state of Illinois and is in compliance with the regulations of the state of Illinois governing such business. As used herein “dog dealer” and “kennel operator” have the same meanings as provided in the Illinois welfare act as amended from time to time.

**V. Keeping of Chickens: Subject to the provisions and regulations of the City Code, the keeping of up to six (6) female chickens (hens) per quarter acre and twelve (12) female chickens (hens) per one-half acre is allowed within the City limits on lots zoned for single family dwellings, and according to the City's Zoning Code, located at Title 10 of this Code. The keeping of male chickens (roosters) is hereby prohibited.**

**1. Permit Required: No person shall raise, harbor or keep chickens within the City of**

Le Roy without a valid permit obtained from the Permitting Officer under the provisions of this Division.

2. Application. In order to obtain or renew a permit, an applicant shall submit a completed application in such forms as prescribed by the City and provided by the Permitting Officer, either online or in paper form, and pay all fees as required by this Ordinance.

3. Fee. An annual license fee of twenty-five dollars (\$25.00) shall be paid to the City with each new application and each renewal application. All permits shall expire on March 1 of each calendar year. Applications for renewal must be filed with the Permitting Officer on or before January 15 of each calendar year. Applications for permit renewals will require the applicant to update all information set forth within the application.

4. Permit Requirements. In addition to all other applicable requirements of the City Code, every Permittee (and Joint Permittee) must meet the following requirements:

- a. All application and permit fees, as may be provided for from time to time by Council resolution, are paid in full.
- b. All amounts owed to the City, including but not limited to liens, fines and judgments are paid in full, and all utility accounts with the City are in good standing.
- c. The tract of land to be permitted shall only contain one single family dwelling occupied and used as such by the Permittee/Joint Permittee.
- d. Each Permit is valid only for the address on the original application form. If the Permittee moves or changes addresses, then a new application and fee will be required to seek a new Permit.
- e. Each application must include a scale drawing of the lot showing the location of the Hen House, and defined in Title 10 of this Code, with respect to the Property's lot lines. The drawing shall include dwelling units on all adjacent properties that would be within one-hundred (100) feet of the proposed Hen House location.
- f. The applicant must be prepared, upon receiving the Permit, to register the property for which the Permit is issued with the Illinois Department of Agriculture and, following such registration, provide the Registration Number to the City.

5. Issuance of Permit. If the Permitting Officer concludes as a result of the information contained in the application that the requirements for a permit have been met, then the Officer shall issue the permit within 30 days of the application.

**6. Denial, Suspension, Revocation, Non-Renewal. The Permitting Officer may deny suspend, revoke, or decline to renew any permit issued for any of the following grounds:**

- a. **False statements on any application or other information or report required by this ordinance to be given by the applicant;**
- b. **Failure to pay any application, penalty, reinspection or reinstatement fee required by this ordinance or City Council resolution;**
- c. **Failure to correct deficiencies noted in notices of violation in the time specified in the notice. The Permittee shall be given a minimum of ten (10) days to resolve deficiencies from date of notice.**
- d. **Failure to comply with the provisions of an approved mitigation/remediation plan by the Permitting Officer.**
- e. **Failure to comply with any provision of this Ordinance.**
- f. **Notification. A decision to revoke, suspend, deny, or not renew a permit shall be in writing, delivered by ordinary mail or in person to the address indicated on the application. The notification shall specify the reasons for the action.**
- g. **Effect of Denial or Revocation. When an application for a permit is denied, or when a permit is revoked, the applicant may not re-apply for a new permit for a period of one (1) year from the date of the denial or revocation.**

**7. Uses Prohibited. Chicken breeding, fertilizer production, bird fighting, and butchering of chickens kept under this Ordinance are hereby prohibited.**

**8. Chickens at Large. The Permittee shall not allow his or her chickens to roam outside of the fence enclosed rear yard on the Lot for which the Permit was granted. No dog or cat or other domesticated animal which kills a chicken off the permitted tract of land will, because of the attack on the chicken, be considered a dangerous or aggressive animal for the purposes of the City's animal control provisions.**

**Section 5. Amendment to Section 10-1-3(K) of the City Code.** Section 10-1-3, entitled "Language and Definitions," of the City Code is hereby amended as follows (additions in **bold and underline**, ~~stricken, bolded text removed~~):

...

**BUSINESS ESTABLISHMENT**

Any enterprise carried on with the reasonable expectation of realizing a profit, such enterprise being of a type normally requiring a fixed location for a business office or other establishment. Examples are: retail stores and professional offices or spaces (doctors, dentists, lawyers, insurance sales, real estate sales, undertaking establishments.)

### **CHICKEN TRACTOR**

**A lightweight, portable chicken coop without a solid floor that allows the chickens to forage for weeds and insects.**

### **CITY COUNCIL**

The City Council of the City of Le Roy, Illinois.

...

### **HEIGHT, BUILDING**

“Building height,” is the vertical distance measured from finish grade to the highest point of the roof.

### **HEN HOUSE**

**A “hen house,” or chicken coop is a structure where female chickens (hens) are kept. Hen houses are accessory structures under this Code and subject to all applicable regulations concerning accessory structures.**

### **HOME OCCUPATION**

Any occupation or activity incidental to residential use, when carried on in the principal structure by one member of the immediate family residing on the premises.

...

**Section 6. Amendment to Section 10-3-7 of the City Code.** Section 10-3-7, entitled

“Accessory Buildings, Structures, And Uses,” of the City Code is hereby amended as follows

(additions in **bold and underline**, ~~stricken, bolded text removed~~):

...

C. Construction in Relation to Principal Use: An accessory building, structure or use (including television and radio antenna) may be erected as an integral part of the principal building or, if at least six feet therefrom, may be connected thereto by a breezeway or similar structure, provided all yard requirements of this title for a principal structure are complied with,

unless such accessory building (including television and radio antenna) is in the rear yard, in which case, Subsection B of this section shall be applicable.

**D. Chicken Enclosures: Chickens lawfully kept within the City shall be kept within the fenced area of the rear yard at all times. Chickens shall be secured within a Hen House during non-daylight hours. Chickens shall not be allowed in areas without a fence, or in the front or side yards at any time. Hen Houses, as defined in Section 10-1-3(K) of this Code, shall be kept in a condition conforming to the following standards:**

1. **Hen Houses shall be kept in a clean, dry, odor-free, neat and sanitary condition at all times such that they shall not become a nuisance nor create aesthetic blight.**

2. **Hen Houses shall provide adequate ventilation and adequate sun and shade and shall be impermeable to rodents, wild birds and predators, including dogs and cats.**

3. **Hen Houses shall be designed to provide safe and healthy living conditions for chickens with a minimum area of four (4) square feet per bird while minimizing adverse impacts to other residents in the neighborhood.**

4. **Hen Houses shall be enclosed on all sides and shall have a roof and doors. Access doors shall be able to be shut and locked at night. Opening windows and vents shall be covered with predator- and bird-proof wire of one (1) inch or smaller openings.**

5. **The materials used in making a Hen House shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. Construction of Hen Houses and Chicken Tractors shall be done in a good, workmanlike manner. The use of scrap, waste board, sheet metal, or similar materials is prohibited.**

6. **Hen Houses which store chicken feed must be constructed such that the feed is stored in rodent-proof containers. Uneaten chicken feed shall be removed in a timely manner.**

7. **All stored manure shall be covered by a fully enclosed structure with roof or lid over the entire structure. No more than three (3) cubic feet of manure shall be stored on the permitted tract of land. All other manure not used for composting or fertilizing shall be removed. The Hen House and surrounding area shall be kept free from trash and accumulated droppings.**

**Section 7. Publication.** The City Clerk be and is hereby authorized and directed to publish this Ordinance in pamphlet form as provided by law.

**Section 8. Severability.** In the event any part of this Ordinance shall be found and determined to be invalid by a Court of competent jurisdiction, all valid parts that are severable



from this invalid part shall remain in full force and effect.

**Section 9. Repealer.** All ordinances or parts of ordinances in conflict herein, are hereby repealed, provided, however, that nothing herein contained shall affect any rights, action, or causes of action, which have accrued to the City of Le Roy, prior to the effective date of this Ordinance.

**PASSED** by the City Council of the City of Le Roy, Illinois, upon the motion made by Patti Welander and seconded by Kelly Lay by roll call vote on the 20<sup>th</sup> day of February, 2023 as follows

Aldermen elected 8

Aldermen Present 8

Voting Aye:

Justin Morfey, Kelly Lay, Patti Welander, Matt Steffen, Kyle Merkle, Ron Legner, Sarah Welte, Dawn Hanafin

Voting Nay:

None

Absent: None

Abstain:

None

Other:

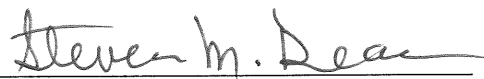
None

And deposited and filed in the office of the City Clerk in said municipality on the 20<sup>th</sup> day of February, 2023.

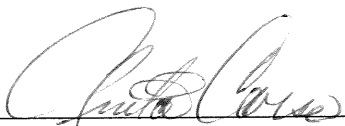


Anita Corso, City Clerk of the  
City of Le Roy  
Mc Lean County, Illinois

**APPROVED BY** the Mayor of the City of Le Roy, Illinois, this 20<sup>th</sup> day of February, 2023.



Steven M. Dean, Mayor of the City of Le Roy,  
Mc Lean County, Illinois



Anita Corso, City Clerk of the City of Le Roy  
Mc Lean County, Illinois

ATTEST: (SEAL)



**CERTIFICATE**

I, Anita Corso, certify that I am the duly appointed and acting municipal clerk of the City of Le Roy, of McLean County, Illinois.

I further certify that on **February 20, 2023** the Corporate Authorities of such municipality passed and approved **ORDINANCE NO. 23-02-03-51**.

**AN ORDINANCE AMENDING THE CITY CODE –  
KEEPING OF POULTRY**

Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of **Ordinance No. 23-02-03-51**, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on **February 20, 2023** and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at Le Roy, Illinois this 20<sup>th</sup> day of February, 2023.

(SEAL)



Anita Corso  
City Clerk of the City of  
Le Roy, McLean County, Illinois

STATE OF ILLINOIS        )  
                                          ) SS:  
COUNTY OF MCLEAN     )

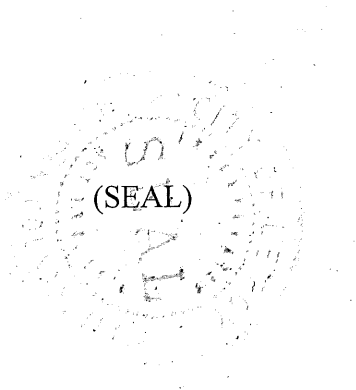
I, Anita Corso, do hereby certify that I am the duly qualified and acting City Clerk of the City of Le Roy, McLean County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.


I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

**AN ORDINANCE AMENDING THE CITY CODE –  
KEEPING OF POULTRY**

I do further certify said ordinance was adopted by the City Council of the City of Le Roy at a regular meeting on the 20<sup>th</sup> day of February, 2023, and prior to the making of this certificate the said ordinance was on file with the permanent records of said City where it now appears and remains as a permanent record of said ordinance in the record books.

Dated this 20<sup>th</sup> day of February, 2023



  
\_\_\_\_\_  
Anita Corso, City Clerk of the  
City of Le Roy,  
McLean County, Illinois