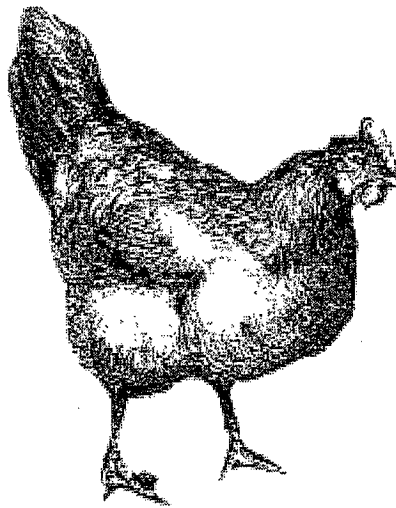


100601



**Proposal to the Village of Lombard to Allow Chickens in Residential
Areas**

Presented by Citizens of Lombard for Urban Chickens

October 26, 2010

Overview

We are a group of Lombard residents that wish to legalize backyard chicken keeping. This document examines the reasons we believe this would be a positive change for the Village of Lombard. Specifically,

- 1) Amending the ordinances of the Village of Lombard to allow small flocks of chickens would promote sustainability and the public welfare.
- 2) Common concerns regarding backyard chickens are adequately addressed by education and existing village ordinances.
- 3) In other communities where ordinances have been changed to allow chickens, this has been viewed by the community as a positive change.
- 4) Nearby suburbs can serve as models for successful backyard chicken ordinances.
- 5) There is a community base of support for a change in the ordinances.

Section One: Amending the ordinances of the Village of Lombard to allow small flocks of hens would promote sustainability and the public welfare.

Backyard chickens ensure that residents have access to safe, local eggs. Many recent news reports have brought to light safety issues with commercial egg production. Backyard chicken keeping allows residents to know that their eggs have been safely and responsibly raised.

Backyard poultry eat insects and weeds, improving the residential environment. Feeding appropriate yard waste to chickens reduces the amount of landscape waste that must be managed by the Village. In addition, properly composted chicken waste is beneficial to the home garden.

Backyard poultry can reduce waste by eating food scraps. Chickens can eat many food scraps that are unsuitable for composting (such as bread crusts and meat products). The Village has already instituted excellent backyard composting and rain barrel programs to assist residents in minimizing food and water waste. Backyard chickens are a natural next step for citizens concerned with these issues.

In uncertain economic times, backyard poultry provide a measure of financial security for residents. Once a coop is built, most families find that their expenses for chicken feed are less than the cost of purchasing similar quality eggs through commercial sources. By allowing residents the freedom to raise some of their own food, the Village helps to improve the financial situation of Lombard families.

Backyard poultry make excellent and entertaining pets. While safe, healthy, humanely produced food is a primary motivator for many who keep chickens, small flocks of backyard hens are much more like family pets than they are "livestock." A small flock of chickens require a little more time than a cat but less time than a dog to care for. This makes them an animal that can be easily and adequately cared for in the context of suburban family life.

Section Two: Common concerns regarding backyard chickens are adequately addressed by education and existing village ordinances.

Common concerns residents have about chickens in residential areas usually fall into one of four categories: noise, pests and predators, disease, and sanitary issues.

Concerns about disease are best handled through education. While chickens can be carriers of salmonella, so are other commonly kept household pets. Following sensible precautions (such as hand washing after handling animals) manages this risk. According to the CDC, small flocks of backyard chickens are not at risk of transmitting avian flu to humans.

Existing village ordinances already address the perceived nuisance issues of noise and sanitary issues. In general, chickens are not as noisy as other common pets such as dogs and parrots. When coops are properly maintained and backyard flocks are small, sanitation is not a problem.

The changes we propose to Village ordinances address the issue of pests and predators. Pests and predators are managed by constructing sturdy and predator proof coops. Also, food should be stored in rodent-proof containers.

It is interesting to consider that many of the perceived issues with backyard chickens are also problems encountered with commonly accepted practices such as keeping dogs, cats, and feeding wild birds. The village allows bird feeding but regulates how birds are fed in order to manage potential pest problems. The village allows dogs and cats to be kept as pets despite potential issues of noise and sanitation because existing ordinances regulate how noise and sanitation are to be handled. The solution to these potential problems is to regulate the nuisance rather than restricting residents from keeping those animals.

A well crafted chicken ordinance can allow residents the freedom to keep a small backyard flock while protecting all residents from nuisance issues.

Please see *Appendix One* for specific village ordinances that address these concerns.

Please also see also *Appendix Two* for the Chicago Chicken Enthusiasts' response to common concerns about backyard chickens.

Section Three: In other communities where ordinances have been changed to allow chickens, this change has been viewed by the community as positive.

Hugh Bartling, a DePaul University professor, teaches a class in Green Urban Policy. In 2010, his students conducted interviews with staff members from over 20 municipalities that have recently adopted ordinances allowing backyard chickens. Municipalities were asked about enforcement issues, violations, complaints, and general community feeling. The results were overwhelmingly positive. Bartling's study indicated both that communities and staff responsible for enforcement of chicken ordinances felt the addition of chickens to their community was positive and that the addition did not add an additional enforcement burden to staff.

Please see also *Appendix Three* for more details and data from Bartling's study.

Section Four: Nearby cities can serve as models for successful backyard chicken ordinances.

Many nearby cities already allow backyard chickens, including: Arlington Heights, Chicago, Downers Grove, Evanston, Hoffman Estates, Mount Prospect, Naperville, Northbrook, Oak Park, Saint Charles, Worth, Warrenville, and Westmont.

These cities can serve as a model as Lombard crafts a chicken ordinance that will both allow residents the freedom to raise small backyard flocks while addressing possible concerns about noise, sanitation, and animal care.

The table below contains details from ordinances in suburbs near Lombard.

City	Number allowed	Roosters Allowed?	Coop Requirements	Other Requirements
Chicago	Not specified	Yes	Clean and wholesome condition; constructed with screens to prevent flies	No slaughter
Downers Grove	4	Yes	Clean, sanitary, and free of refuse; swept at least every 24 hours; chickens must be confined to a chicken coop and run.	
Naperville	Not specified	Not specified	Sufficient size and strength to confine; clean, sanitary, and free of refuse; swept at least every 24 hours; refuse disposed of in sanitary fashion.	
Saint Charles	Not specified	Not specified	Not specified	
Warrenville	4	No	Chickens shall be confined to a chicken coop and run.	

Section Five: There is a community base of support for a change in the ordinances.

Citizens of Lombard for Urban Chickens currently has 90 members supporting a change in the village ordinances that would allow backyard chicken keeping. Petitions are currently circulating to help demonstrate this support.

Conclusion and Proposed Changes to the Chicken Ordinances

Currently, the village of Lombard's ordinances affecting chickens read as follows:

§ 90.04 KEEPING CERTAIN ANIMALS PROHIBITED.

(B) It is unlawful to maintain any stable or place for the maintenance of any cattle, horses, sheep, goats, pigs or swine, pigeons (except for carrier/racing pigeons), or poultry, or to house any such animals within the village, except in conjunction with the use of such animals in experimental laboratories.

(C) It is unlawful for any person to keep, cause or permit to be kept: (1) livestock upon any residentially zoned premises within the Village or; (2) any structure or place for the retaining, care, or shelter of any fowl or animals in an unclean, unsanitary, or filthy condition so as to produce and give offensive or disgusting, harmful, injurious, or noxious odors. ('70 Code, § 8.04.010) (Ord. 1010, passed 2-4-63, Ord. 4148, passed 4/11/96)

We propose editing this section to read as follows (changes in bold):

§ 90.04KEEPING CERTAIN ANIMALS PROHIBITED.

(B) It is unlawful to maintain any stable or place for the maintenance of any cattle, horses, sheep, goats, pigs or swine, pigeons (except for carrier/racing pigeons), ~~or~~ **poultry**, or to house any such animals within the village, except in conjunction with the use of such animals in experimental laboratories.

(C) It is unlawful for any person to keep, cause or permit to be kept: (1) livestock (**except that poultry may be kept**) upon any residentially zoned premises within the Village or; (2) any structure or place for the retaining, care, or shelter of any fowl or animals in an unclean, unsanitary, or filthy condition so as to produce and give offensive or disgusting, harmful, injurious, or noxious odors. ('70 Code, § 8.04.010) (Ord. 1010, passed 2-4-63, Ord. 4148, passed 4/11/96)

(D) Up to 8 domestic poultry may be kept within residentially zoned areas of the Village. Poultry must be kept in a secure, predator proof coop and run. Poultry feed must be kept in secure, rodent proof containers. Areas in which poultry are kept must be clean, sanitary, and free of refuse. Roosters may not be kept in residential areas.

Appendix One: Current Village Ordinances Addressing Perceived Nuisance Issues

Sanitation issues are addressed in the current ordinances regarding animals

§ 90.04 C2 KEEPING CERTAIN ANIMALS PROHIBITED

It is unlawful for any person to keep, cause or permit to be kept...any structure or place for the retaining, care, or shelter of any fowl or animals in an unclean, unsanitary, or filthy condition so as to produce and give offensive or disgusting, harmful, injurious, or noxious odors.

§90.46 MANNER OF CONFINING AND CARE OF CONFINED ANIMALS

No Person shall confine a dog or cat in any yard, pen or premises in which feces have accumulated which present a health hazard to the dog or cat and it shall be considered a nuisance to any Person to cause or allow Animal feces to accumulate in any yard, pen or premises so that it becomes offensive to those residing the area.

Noise issues are addressed in the current ordinances addressing noisy animals:

§ 90.17 LOUD FREQUENT NOISES DECLARED A NUISANCE.

(A) It is hereby declared a nuisance for any person to keep, or permit to be kept or maintained upon any premises within the Village, any dog, cat, or other animal or fowl emitting loud, frequent, and continuous noises offensive to a reasonable person of normal sensitiveness, such that the Village receives from two (2) or more separate residences located within two hundred (200') feet of the residence or location of the offending animal, written, signed complaints of an offense occurring within a single twenty-four (24) hour period. The signature on a written complaint shall constitute agreement on the part of the signer to appear in court on behalf of the Village as a witness to the facts in the complaint.

(B) It shall be the duty of the Chief of Police or his/her designee, upon finding any dog, cat, or other animal or fowl disturbing the peace of others by emitting loud, frequent, and continuous noises offensive to a reasonable person of normal sensitiveness, to advise the owner of the such animal or fowl, or the person in charge or control of the property where such animal or fowl is kept, to exercise proper control and care of such animal or fowl to prevent it from disturbing the peace of others in such manner. If such owner or person refuses to cooperate with the Chief of Police or his/her designee, or his unable to prevent such animal or fowl from disturbing the peace of others in such manner. The Chief of Police or his/her designee shall be authorized to immediately issue a citation to such owner or person for the creation of a nuisance notwithstanding the two (2) complaint requirement of subsection "A" above. If the Chief of Police or his/her designee is unable to locate any person on the property where such animal or fowl is kept, it shall be the duty of the Chief of Police or his/her designee to take such animal or fowl into possession. The confinement and redemption provisions of Sections 90.11 and 90.12 of this chapter shall be applicable to and followed by the Chief of Police or his/her designee upon taking any animal or fowl into possession under this section. (Ord. 3943, passed 12/15/94; Ord. 6134, passed 12/6/07)

Appendix Two: The Chicago Chicken Enthusiasts Respond to Common Concerns about Chickens in Cities

Sanitary issues

Most urban chickens are treated like any other pet and their coops are cleaned about as often as dog-owners clean up their yard. Responsible chicken owners will clean a coop a minimum of once a week if not more often.

The amount of chicken manure produced by six hens is roughly equivalent to the dog droppings produced by a medium-large dog. And, unlike dog or cat poop, chicken manure can be easily composted into garden fertilizer instead of ending up in landfills. [SoPo chickens website: <http://www.sailzora.com/chickens>; Chicago chicken owners' experiences]

Noise

On average, hens are far quieter than most dogs, parrots, or macaws. They generally make a soft chuckle or cluck. Occasionally, when they are showing off an egg they've just laid, their clucking is slightly louder.

Normal noises are not audible past 25', the loudest noises at about 50'.

Roosters can be loud – for this reason, cities that allow chickens may have prohibitions on roosters. [SoPo chickens website: <http://www.sailzora.com/chickens>]

Pests and Predators

Many animals see chickens as prey: raccoons and loose dogs are the most likely predators in an urban setting. Responsible chicken owners will ensure their chickens are kept in a secured, fenced yard or run during the day and a secure, locked coop at night. [*Storey's Guide to Raising Chickens*, Gaile Damerow.]

Chickens eat insects of all types, as well as small rodents. In secure yards where chickens are allowed some time to “free range,” the chickens will search out and eat insects such as ticks, fleas, millipedes, earwigs, grubs, beetles, spiders, moths, and worms. Chickens have also been known to eat mice and roaches. [Backyard Chickens: www.backyardchickens.com/forum; experience of Linda Nellett, Chicago resident – 45th ward]

Chickens also eat many types of plants and green material including those identified as weeds (such as dandelions) and “waste” (such as carrot tops, peels, and wilted or bruised produce). Gardeners and people interested in urban agriculture see chickens playing a valuable role by eating this excess or unwanted material from the garden and “converting” it into fresh eggs and manure for compost. [Backyard Chickens: www.backyardchickens.com/forum; experience of Linda Nellett]

While rats may be attracted to chicken feed, they are opportunists. They will scavenge food from the most convenient place: an open trash container or Dumpster, discards dropped by people, food placed outside for cats and dogs, and wild bird and squirrel feeders. Responsible chicken owners store feed in secure containers and do not leave excess food around for rats to eat. [Ken Koelkebeck, PhD, UIUC Extension Poultry Specialist said that rats and mice are drawn to chicken feed, but less likely to be eating chicken manure. Properly designed and constructed coops/enclosures prevent rats' access to chicken feed. Feed containers (metal) should be kept covered and secured.]

Human Disease issues

Avian influenza of the type contagious to humans has not been found in North America.

Should avian influenza ever reach North America, it would more likely spread where chickens have contact with the droppings of wild and migratory fowl, such as ponds frequented by Canada geese. These are conditions not likely in a small city backyard where only a few chickens reside. [<http://www.pandemicflu.gov>]

Salmonella (common enterobacteria, can cause foodborne/gastrointestinal illness) is the other primary concern associated with chicken and eggs. Chickens are no more likely to carry it than parakeets and pet reptiles. Good hand-washing practices are always important after handling animals and their waste. [CDC website: <http://www.cdc.gov>]

Prepared by Linda Nellett, Fall 2007

Appendix Three: Chicken Ordinance Survey by Hugh Bartling, DePaul University

Introduction

In February 2010 students from Professor Hugh Bartling's class on Green Urban Policy interviewed staff members from over 20 municipalities throughout the country which have recently adopted ordinances allowing citizens to keep poultry in residential districts.

Cities were chosen from internet searches for media reports on chicken ordinances and lists compiled by the Evanston Backyard Chicken Group. The list of cities surveyed can be found in the appendix. Students were assigned specific cities to contact and administer an eight-question, open-ended response survey. Respondents were comprised mainly of city staff members, although in a small number of isolated cases our respondents were elected officials. The cities are located throughout the country and have enacted poultry ordinances between 2005 and 2009.

The focus of the survey was on how the ordinances were implemented. Respondents were asked about enforcement issues, problems associated with violations and complaints, support given by the city to chicken owners, and overall assessment of the ordinance.

In general we found that most cities were satisfied with their ordinances, major complaints and infractions were rare, and the adoption of chicken ordinances have been looked upon positively. Below we will detail the survey questions and summarize the answers. Although we surveyed 23 municipalities, not all cities chose to answer each question.

Q1 Have you seen problems with people abandoning chickens or them getting loose?

Of the 20 cities responding to this question, 17 indicated that chickens getting loose has not been a problem. The remaining three reported isolated instances of chickens getting loose. One city reported that the adoption of the ordinance actually reduced complaints since their ordinance requires chickens to be confined in coops.

Q2 How many violations of the ordinance has your community detected?

Of the 18 responses to this question, 10 reported no violations. Two

cities reported one violation, two cities reported four violations, one city reported four violations, and one city reported twenty violations.

Two cities reported a range--between 12-15 in one case and between 5-10 in another.

Q3 How many complaints about chickens has the city seen since the ordinance was passed?

Of the 19 responses to this question, 13 reported 0-2 complaints. One said complaints were "rare." Two respondents reported between 5-10 complaints, and three single cities reported 12, 32, and 115 complaints.

One respondent indicated that their city sees more complaints about barking dogs than they do for chicken ordinance violations.

Q4 How is the ordinance enforced?

This question elicited many different answers, which is reflected by the fact that there is no uniformity amongst the various ordinances passed in each city.

Generally ordinance enforcement is complaint-driven with zoning officers, health inspectors, or animal control officers responding to citizen reports of potential violations. Of the 21 respondents to this question, five indicated that they require chicken keepers to apply for city-issued permits.

Likely due to the minimal number of complaints, enforcement has not been a major problem in any of the cities we surveyed.

Q5 Do you have any literature or information that you give to chicken owners about proper treatment of the birds?

Of the 21 respondents to this question, only three provided chicken care and treatment information. It was more common for cities to provide information on the specifics of their ordinances which pertain to coop structures and siting of coops.

Two cities refer chicken owners to community groups and internet sites for education material.

Q6. Since the ordinance was passed have there been any amendments? What was the nature of any amendments?

Of the 23 respondents to this question, only four cities reported amendments to their ordinances. In two of these cases, the cities had originally restricted chicken keeping to single-family homes and the revisions allowed the practice on lots that contained up to four housing units. One municipality expanded their ordinance to

allow the raising of ducks and another simply reported "minor" amendments.

Q7 In your estimation has the adoption of a chicken ordinance been positive or negative for your city?

Of the 21 respondents to this question, fifteen reported that the ordinance has been "positive." Six respondents reported that the ordinance has been "neutral." No cities reported a "negative" experience.

In the open-ended responses to this question, some of the positive respondents reported that the ordinance helped promote sustainability in the community. Respondents who said it was "neutral" indicated that the ordinance brought many citizens into compliance with the law and that the rules served to relieve tension in the community.

Q8 Have there been any unanticipated issues that have emerged as a result of allowing residents to keep chickens?

This open-ended question elicited a variety of responses, although the vast majority indicated that there have been no unanticipated issues. One respondent indicated that many people wondered before the ordinance was passed how chicken-owners would deal with birds that no longer lay eggs. They found that most chicken owners treat their birds as pets and keep them as part of the family until their natural death.

Several respondents mentioned that the exclusion of roosters as pets and having a limit on the number of birds each resident could keep were important in insuring effective ordinances.

Appendix A:

Communities Surveyed

Ann Arbor, MI
Baraboo WI
Belmont, MA
Boise, ID
Bozeman, MT
Buffalo, NY
Duluth MN
Durham, NC
Eugene, OR
Fort Collins, CO
Gulfport, FL
Huntington, NY
Lawrence, KS
Madison, WI
Missoula, MT

Moab, UT
New Haven, CT
Portland, OR
South Portland, ME
St. Paul, MN
State College Borough, PA
Wake Forest, NC
Ypsilanti, MI