

**CITY OF BELLEVILLE, ILLINOIS
ORDINANCE AND LEGAL REVIEW COMMITTEE
CITY HALL COUNCIL CHAMBERS
SEPTEMBER 12, 2023 5:30 PM**

Chairperson Stiehl called the meeting to order.

Members present on roll call: Alderperson Whitaker, Alderperson Duco, Alderperson Randle, Alderperson Anthony, Alderperson Schaefer, Alderperson Osthoff, Chairperson Stiehl.

Department Heads Present: City Clerk Gain Meyer, Director of Health, Housing & Building Tyler, Fire Chief Mills

Excused: Alderperson Elmore, City Attorney Hoerner

Guest Alderperson: Ovian

PUBLIC PARTICIPATION

Michael Hagberg: If you want a point of reference on the Chicken Ordinance, page two of eight, begins with renews annually, I know there was talk about having all renewed on a specific date every year or will it be renewed on the anniversary of the date you got your um, permit, um if it was going to be on a specific date, then the question would be whether or not the application would be prorated for that first year. So, if you come in with one month left do you still pay the \$25? On section C number 4, it talks about single family dwellings, um occupied on a particular parcel, we never really discussed whether it would include townhouses or condos which meet the legal definition of a single family on a single parcel, but if you want to talk about whether or not townhouses should be allowed to have the chickens. Then um on C5 rather than put all the work on our poor Director of Health and Housing, can we add or the designated employee to that sentence? On page 4 D1, minor thing on language but it makes a big difference is the um very last part of it, bird proof wire of less than one inch opening, could we change that to one inch or less? Which makes a big difference because chicken wire has a mess of one inch, and if you said less than one inch, you could not use it. Just changing a couple of words around um should do that. Section G, it says should consist of sturdy wire fencing I am not sure how to define sturdy or whether or not you meant sturdy framing for the wire so that um I mean chicken wire by itself would not be what I considered sturdy, but if you were talking about a sturdy frame to hold the chicken wire then that would make sense. Also, not addressed anywhere in here was that the Housing Director or designated employee shall be given access in order to investigate any reported violation in this section, um there was nothing in here that stated you are going to get a permit you have to allow the City back on to do the inspections and possible violations.

Andrew Tufto: I not going to take too much time, I think you all know how I feel about chickens and what Mr. Hagberg said too about the fencing and stuff, hard rolled cloth would be a good thing maybe which is a quarter inch thick. I just wanted to be on record that I am in support of this Ordinance.

Louis Holm: Ward 6, I don't want to take up too much of your time I just wanted you to know that I am in support of everything, I haven't had too much of an opportunity to go over everything. I wanted to add in particular, I know I have brought up to a couple of individuals I don't think to the Council as a whole, the question of corner lots and how that would, maybe you just haven't gotten to that yet in here. I heard that there was some talk of only allowing chickens in the rear yard or how that would affect corner lots. Then there was the section 90.66 personally I think that, it seems like section A and Section B differ in terms of severity whereas Section D is sort of reasonable sensitivity is the phrase used where that is Section D where in Section A it says shall not be perceptible I personally would prefer if it were, I think it would be difficult

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to prevent all odors from escaping this sort of error on the side of one's property so I think that is reasonable sensitivity clause should apply to Section A as well. I wanted to express my support and see it through. Section A in its entirety says odors from chickens, chicken manure or other chicken related disturbances shall not be perceptible beyond the boundaries of the permitted tract of land, and Section B noise from chickens shall not be loud enough beyond the boundaries of the permitted tract of land that the property boundaries to disturb person of reasonable sensitivity. I think that clause of disturbing people of reasonable sensitivity is less restrictive than in subsection A and I think that should be the standard for both subsections.

MINUTES

Aldersperson Whitaker made a motion second by Aldersperson Schaefer to approve minutes of July 25, 2023.

All members voted aye.

UNFINISHED BUSINESS

Possible motion to Amend Title IX (General Regulations), Chapter 90 (Animal Control) of the Revised Code of Ordinances of the City of Belleville, Illinois, as Amended, by Adding Sections 90.60 through 90.72 (Urban Chickens) and Amending Section 90.06 (Animal Care)

Aldersperson Osthoff made a motion second by Aldersperson Schaefer to accept the Ordinance as read.

Aldersperson Whitaker: I mentioned this to Jenny before, but just so everyone is aware, I felt there was a conflict listed here where it talks about only being in owner occupied properties as we discussed, but then when you get to on the Ordinance page 5 under unlawful acts it mentions it is unlawful for any owner/renter/or lease holder to allow chickens to be kept in violation of the provisions, she indicated we can take lease holder and renter out, I just wanted to make sure everyone realizes that that is something I asked to be removed because I think it causes conflict. Somebody else well later it says a renter can have it as long as we have made that clear. One thing that was unclear to me as we discussed this and I wanted to hear what others have thought, I was under the understanding that we had discussed it needed to be in a backyard and in a fenced in yard, I don't see that at all in here.

Aldersperson Osthoff: I think that was the sentiment was a backyard in our many hours of discussion and I don't remember the fence.

Aldersperson Schaefer: I don't remember a fence I just remember an enclosure.

Aldersperson Osthoff: If we want to say also in the backyard, I am fine with that.

Director of Health, Housing & Building Tyler: There was a discussion that it needed to be in a fenced in yard, but I don't have anywhere in my notes that we can require that, according to the notes that I took from the Housing meeting. We discussed it amongst ourselves and chain link fence, privacy fence, but we never had any kind of resolution that somebody made a specific requirement.

Aldersperson Whitaker: I guess I feel right now with the way it is written I can put a chicken coop in my front yard as long as it is more than ten feet from the dwelling - - -

Director of Health, Housing & Building Tyler: I believe back yard is in here.

Aldersperson Whitaker: I didn't see that in here that is why I am trying to clarify.

Director of Health, Housing & Building Tyler: I believe it is in there, unless I was looking at something else this morning.

Aldersperson Whitaker: I saw setbacks and those requirements, but I never saw where it is required to be at the rear of the structure.

Director of Health, Housing & Building Tyler: It is under E, page 4; Hen Houses, Chicken Distractors and Chicken Pens shall all be located in the yard and then require setbacks.

Aldersperson Whitaker: I missed it, I appreciate it. Then the other question I had about the ten-foot setback, didn't we also discuss a ten-foot setback not only from dwellings, but also from the property line?

Director of Health, Housing & Building Tyler: I thought we did.

Multiple people talking.

Aldersperson Whitaker: And here it calls back that they must be located at least ten feet from any adjacent residential dwelling, but it doesn't say the property line.

Director of Health, Housing & Building Tyler: I wonder if that is covered in E as required by the Zoning Code, but we just didn't specify.

Aldersperson Whitaker: I think I would like to see that spelled out as a requirement, specifically when it comes to points like the gentleman made there, if you put a chicken coop on your property line, your neighbor is going to smell it. If you put it at least ten feet away and it is of the size limitations that we have, you have a lot better chance of encapsulating that odor as long as you are following the regulations of cleaning it and keeping that odor on your own property. I don't know if we can add at this point or not.

City Clerk Gain Meyer: That is why you are having this discussion today - - - -

Multiple people talking.

Director of Health, Housing & Building Tyler: I would do it under E probably instead of in the required setbacks of the Zoning Code.

Aldersperson Whitaker: To include a ten-foot setback from all property lines.

Aldersperson Schaefer: And property, yes, all property lines, for sure. Good point.

Chairperson Stiehl: There is a motion on the floor, we need to - - - -

Aldersperson Osthoff: I moved to amend with all the changes that we discussed.

Alderson Schaefer: I second.

City Clerk Gain Meyer: May I just clarify one thing really quick, the only two changes that we are making is we are removing the language from what Alderson Whitaker said and then the ten-foot property line, correct?

Alderson Schaefer: I am going to look, I am going to say this, on enclosures that G, any enclosed chicken pen shall consist of sturdy wire fencing, do we want to add that wording in there? It is on page 4 G; it is just saying that it is sturdy wire fencing - - -

Director of Health, Housing & Building Tyler: So, you want to change that to sturdy frame? Is that where you are going?

Multiple people talking.

Director of Health, Housing & Building Tyler: You would like to change that to enclosed chicken pen shall consist of sturdy frame which must be covered in wire, avery netting or solid roofing?

Alderson Schaefer: Yes. Cause it is just saying you can put wiring - - -

Alderson Whitaker: But we have several other sections that say, whatever you use to cover it must be impermeable by every other animal, because that other stuff is in there, I think it is pretty much saying it has to be strong enough so racoons cannot get through it, foxes can't get through it, by all those other sections saying it must be impermeable barrier - - - -

Director of Health, Housing & Building Tyler: It has to have doors where it is closed and secured at night.

Multiple people talking.

Members voting aye on roll call: Whitaker, Duco, Anthony, Schaefer, Osthoff, Stiehl

Members voting nay on roll call: Randle.

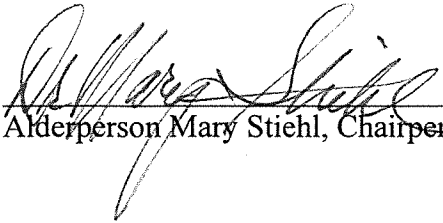
6:1

Motion carries.

MISCELLANEOUS & NEW BUSINESS

Discussion on Solicitor License Ordinance will be tabled until next meeting.

Aldersperson Schaefer made a motion second by Aldersperson Osthoff to adjourn at 5:45pm.


Aldersperson Mary Stiehl, Chairperson

