

# NOTICE OF PUBLIC HEARING

The Village of Wapella does not currently have an ordinance governing the keeping of chickens and/or other poultry within the Village limits.

A public hearing on the proposed ordinance amendment will be held at the Village Hall, 312 Main St, Wapella IL on **Wednesday, October 4, 2023, at 8:00 p.m.**

The current ordinances can be viewed on the Village of Wapella website: [villageofwapella.org](http://villageofwapella.org). A copy of the proposed amendment can be obtained by calling the Village Hall at 217-935-3259.

**THE VILLAGE OF WAPELLA  
DEWITT COUNTY, ILLINOIS**

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**ORDINANCE NO. \_\_\_\_\_**

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**AN ORDINANCE AMENDING TITLE XV OF  
THE WAPELLA MUNICIPAL CODE –  
POULTRY**

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**DENNIS KLATT, Village President  
ROBBIN MORROW, Village Clerk**

Jane Buraglio  
Sean Holland  
Mark Miller  
Jacob R. Simons  
Carl Spath  
John P. Goergen

**Village Trustees**

Published in pamphlet form by authority of the Village President and Board of Trustees of the  
Village of Wapella on \_\_\_\_\_, 2023

Ancel, Glink, P.C. – 202 North Prospect, Suite 203 - Bloomington, Illinois 61704

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE XV OF  
THE WAPELLA MUNICIPAL CODE –  
POULTRY

WHEREAS, the Village of Wapella has authority, pursuant to Illinois law, to regulate animals within its borders and within its parks and public spaces; and

WHEREAS, pursuant to 65 ILCS 5/11-13-1, *et seq.*, the Village of Wapella has enacted zoning regulations that have been codified in Title XV of the Village Code; and

WHEREAS, the keeping of poultry is not currently permitted within the Village of Wapella; and

WHEREAS, in accordance with Section 154.121 of the Village Code, the proposed amendment to the zoning regulations, contained in Chapter 154 of the Village Code (“*Proposed Amendment*”) was referred to the Wapella Plan Commission for investigation, and to the Wapella Zoning Board for a public hearing and recommendations; and

WHEREAS, pursuant to notice duly published, the Wapella Zoning Board conducted a public hearing on [DATE], for the purpose of hearing and considering testimony on the *Proposed Amendment*; and

WHEREAS, at the conclusion of the public hearing, the Wapella Zoning Board 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 Village of Wapella to amend the Village Code to permit the keeping of ehiekenspoultry, subject to limitations provided herein.

NOW THEREFORE, BE IT ORDAINED by the Village Board of Trustees by the Village of Wapella, DeWitt 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 130.22 of the Village Code.** Section 130.22, entitled "Animal Control," of Chapter 130, entitled "Miscellaneous Offenses," of the Village Code is hereby amended as follows (additions in **bold and underline**, deletions in **~~bold and strikethrough~~**):

**§ 130.22 ANIMAL CONTROL.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ATTENDED RUN LINES.*** A system of tying an animal in a place by rope or chain with a tensile strength of at least ten times the weight of the animal. While on this run line, a person of no less than the age of 18 years of age shall constantly be in sight of the animal and be supervising the animal.

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

***DANGEROUS ANIMALS.*** Any animal, which when unmuzzled, unleashed or unattended by its owner or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in any apparent attitude of attack upon the street, sidewalk or any public grounds or place within the village.

***ENCLOSURE.*** A fence or structure of at least six foot in height, forming or causing a complete barrier suitable to prevent the entry of a child into the enclosure, and suitable to confine a vicious or dangerous animal within the enclosure. Such ***ENCLOSURE*** shall be securely closed and locked at all times. It shall have secure sides, top and bottom and be designed to prevent the escape of the animal contained therein, and to prevent the entry into the ***ENCLOSURE***.

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

***PERMITTING OFFICER. The Village President or his/her designee.***

***POULTRY. domesticated fowl, including chickens, turkeys, waterfowl, and game birds, except doves and pigeons, which are bred for the primary purpose of***

*producing eggs or meat. Examples of waterfowl include domesticated fowl that normally swim such as ducks, geese and swans.*

**VICIOUS ANIMAL.** Any animal which fits any one of the following categories or characteristics, except that no animal shall be deemed vicious if it attacks, bites or menaces a trespasser on the property of its owner, or harms or menaces anyone who has tormented or abused it, or if it is a professionally trained animal for law enforcement or guard duty purposes:

(a) Any animal that when unprovoked bites or attacks a person or other animal regardless of whether it is on public or private property;

(b) Any animal with a known propensity, tendency or disposition to attack without provocation, or to cause injuries or to otherwise endanger the safety of human beings or other animals;

(c) Any animal which attacks a person or other animal without overt provocation; or

(d) Any animal which has been found to be a dangerous animal as hereinafter defined, on three separate occasions.

(B) *Vicious animals.*

(1) The owner of a vicious animal shall pay an annual license fee of \$50 to the village, to be paid immediately upon the animal being determined to be vicious, and then each year thereafter.

(2) The owner of a vicious animal shall maintain liability insurance of at least \$50,000, and said liability insurance policy shall name the village as an additional insured and proof of said insurance shall be required for the obtaining of the license.

(3) The vicious animal shall be confined to an enclosure or an attended run line, as previously defined.

(4) The vicious animal shall only be allowed to leave the premises of the owner when it is necessary to see a veterinarian. During this time, the vicious animal shall be muzzled and under direct control of a person of at least 18 years of age. The vicious animal shall be on a leash no longer than three feet long with a tensile strength of no less than ten times the weight of the animal.

(5) The vicious animal shall always wear a special collar identifying it as a vicious animal, with said collar being visible at night from a distance of at least 200 feet.

(6) The owner of the vicious animal shall post a sign in a prominent place on the owner's property stating that such property houses a vicious animal, as defined by the Village Board, and said sign shall be visible from the street in front of such property.

(7) The vicious animal shall be neutered with proof thereof being required to obtain a license.

(C) *Biting animals.* It shall be the duty of the owner of any animal that has bitten a person or animal to notify the County Animal Control Warden and to keep such animal locked in an enclosure for a period of two weeks, following the time the animal has bitten such person or animal; and to have such animal examined by a licensed veterinarian at the commencement and termination of the two-week period, unless the County Animal Control Warden shall direct that the animal be treated otherwise. If such animal during the two-week period shall show any definite signs of illness or dies, it shall be the duty of the owner to turn the animal over to the County Animal Control Warden to determine if rabies is present.

(D) *Violation claim- Keeping of chickenspoultry.*

~~—(1) Any village resident may claim a violation of any portion of this section by filling out an affidavit of complaint witnessed by any Village Trustee, and by filing said complaint with the Village Clerk. On filing of said complaint, the Village Clerk shall immediately notify the Village President or the village police officer, or the County Animal Control Warden, and said official shall investigate the complaint to determine whether or not a violation has been committed. Following the complaint and investigation as stated, the official who received notice from the Village Clerk of the complaint, and who investigated the basis of the complaint, shall have the sole authority to determine whether or not a person or animal is in violation of this section, and to take such action against such person or animal as is specifically described above. If within three days there is no claim to ownership of an animal that is in violation of this section, that animal shall be removed from the village and humanely destroyed.~~

~~—(2) If, following a complaint and investigation, the officer involved finds that there is no violation, the complaining witness can file a written request with the Village Board of Trustees requesting that action be taken to abate the nuisance alleged by the complaining witness. The Board shall consider said complaint at its very next meeting, and if the Board, by majority vote, decides that the animal is a public nuisance and dangerous to the health and safety of the residents of the village, regardless of whether the animal is in violation of any other specific portion of this section, then the Village President shall appoint a commission of four village residents with at least one of them being a Village Trustee, to further investigate the matter and to make recommendations to the full Board of what further control or regulation is necessary for the protection of the village residents in this particular instance. Said recommendation shall be made to the Village Board within 30 days of the appointment of the commission.~~

(1) Subject to the provisions and regulations of the Village Code, the keeping of up to six twelve female chickenspoultry (hens) is allowed within Village limits on lots zoned for single family dwellings, and according to the Village's Zoning Code, located at Chapter 154 of this Code. The keeping of male chickenspoultry (roosters) is hereby prohibited except as required by a verifiable Future Farmers of America (FFA) project.

(a) Permit required. No person shall raise, harbor, or keep chickenspoultry within the Village of Wapella without a valid permit obtained from the Permitting Officer under the provisions of this section.



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

(c) Fee. An annual license fee of \$25.00 shall be paid to the City with each new application and \$5.00 for 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. Persons keeping poultry without a license issued by the village shall pay a double fee and may be subject to other sanctions as provided by law.

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

(i) All application and permit fees, as may be provided from time to time by Board resolution, are paid in full.

(ii) 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.

(iii) The tract of land to be permitted shall only contain one single family dwelling occupied and used as such by the Permittee/Joint Permittee.

(iv) 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.

(v) Each application must include a scale drawing of the lot showing the location of the Hen House, as defined in Chapter 154 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 100 feet of the proposed Hen House location. Each application must include a site plan which can be obtained from the DeWitt County Assessments Office.

(vi) If applicable, The 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 if applicable, provide the Registration Number to the Village.

(e) 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 Village's receipt of the application.

(f) 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:

(i) False statements on any application or other information or report required by this section to be given by the applicant;

(ii) Failure to pay any application, penalty, reinspection or reinstatement fee required by this section or Village Board resolution;

(iii) 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 the date of notice.

(iv) Failure to comply with the provisions of an approved mitigation/remediation plan by the Permitting Officer.

(v) Failure to comply with any provision of this section of the Village Code.

(g) 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.

(h) 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 year from the date of the denial or revocation.

(i) Uses prohibited. ChickenPoultry breeding, fertilizer production, bird fighting, and butchering of chickenspoultry kept under this section are hereby prohibited. Butchering for personal consumption may be allowed by special use permit if such special use is authorized by the Village.

(j) ChickensPoultry at large. The Permittee shall not allow his or her chickenspoultry 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 chickenspoultry off the permitted tract of land will, because of the attack on the chickenspoultry, be considered a dangerous or vicious animal for the purposes of the Village's other animal control provisions.

(E) *Violation claim.*

(1) Any village resident may claim a violation of any portion of this section by filling out an affidavit of complaint witnessed by any Village Trustee, and by filing said complaint with the Village Clerk. On filing of said complaint, the Village Clerk shall immediately notify the Village President or the village police officer, or the County Animal Control Warden, and said official shall investigate the complaint to determine whether or not a violation has been committed. Following the complaint and investigation as stated, the official who received notice from the Village Clerk of the complaint, and who investigated the basis of the complaint, shall have the sole authority to determine whether or not a person or animal is in violation of this section, and to take such action against such person or animal as is specifically described above. If within three days there is no claim to ownership of an animal that is in violation of this section, that animal shall be removed from the village and humanely destroyed.



(2) If, following a complaint and investigation, the officer involved finds that there is no violation, the complaining witness can file a written request with the Village Board of Trustees requesting that action be taken to abate the nuisance alleged by the complaining witness. The Board shall consider said complaint at its very next meeting, and if the Board, by majority vote, decides that the animal is a public nuisance and dangerous to the health and safety of the residents of the village, regardless of whether the animal is in violation of any other specific portion of this section, then the Village President shall appoint a commission of four village residents with at least one of them being a Village Trustee, to further investigate the matter and to make recommendations to the full Board of what further control or regulation is necessary for the protection of the village residents in this particular instance. Said recommendation shall be made to the Village Board within 30 days of the appointment of the commission.

(1975 Code, § 21-133) Penalty, see § 130.99

**SECTION 3.** Amendment to Section 154.007 of the Village Code. Section 154.007, entitled “Definitions,” of Chapter 154, entitled “Zoning Code,” of the Village Code is hereby amended by adding the following definitions in proper alphabetical order:

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

**HEN HOUSE.** Also called a “chickenpoultry coop,” a structure where female chickenpoultry (hens) are kept. Hen houses are accessory structures under this Code and subject to all applicable regulations concerning accessory structures.

**USE, AGRICULTURAL.** Uses including the growing, harvesting, and storing of crops including legumes, hay, grain, fruit, and truck or vegetable crops, floriculture, horticulture, viticulture, mushroom growing, orchards, and forestry; farm buildings for storing and protecting farm machinery and equipment from the elements; and farm dwellings occupied by farm owners, operators, tenants or seasonal or year-round hired farm workers. This definition of Agricultural Use includes all types of agricultural operations but excludes therefrom any animal or poultry husbandry except as otherwise permitted by this Code. “Agricultural Use” further excludes industrial operations such as a grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed.

**SECTION 4.** Amendment to Section 154.085 of the Village Code. That a new section 154.085, entitled “ChickenPoultry Enclosures,” shall be added to Chapter 154, entitled “Zoning

Code,” of the Village Code is hereby amended as follows, with the existing section 154.085, entitled “Modifications and Exceptions,” recodified as section 154.086 (additions in **bold and underline**, deletions in **~~bold and strikethrough~~**):

**150.085      ~~MODIFICATIONS AND EXCEPTIONS.~~    CHICKENPOULTRY**  
**ENCLOSURES.**

~~(A) *Height.* The district height limitations stipulated elsewhere in this chapter may be exceeded, but such modification shall be in accord with the following.~~

~~—— (1) Architectural projects, such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys, are exempt from height limitations of this chapter.~~

~~—— (2) Special structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, smoke stacks, and flag poles are exempt from the height limitations of this chapter.~~

~~—— (3) Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this chapter.~~

~~—— (4) Communication structures, such as radio and television transmission and relay towers, aerials and observation towers, shall not exceed in height three times their distance from the nearest lot line.~~

~~—— (5) Public or semi-public facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, government offices and stations, may be erected to a height of 60 feet, provided all required yards are increased not less than one foot for each foot the structure exceeds the district’s maximum height requirements.~~

~~(B) *Yards.* The yard requirements stipulated elsewhere in this chapter may be modified as follows.~~

~~—— (1) Uncovered stairs, landings and fire escapes may project into any yard but not to exceed six feet and not closer than three feet to any lot line.~~

~~—— (2) Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard, but such projection shall not exceed two feet.~~

~~———— (3) Residential fences are permitted on property lines but shall not exceed a height of four feet in the street yard and shall not be closer than two feet to any public right-of-way.~~

~~———— (4) Security fences are permitted on property lines but shall not exceed ten feet in height and shall be of an open type similar to chain link or wrought iron fencing.~~

~~———— (5) Accessory uses and detached accessory structures are permitted in the rear yard only; they shall not be closer than ten feet to the principal structure, they shall not exceed 15 feet in height, shall not occupy more than 20% of the rear yard area and shall not be closer than five feet to any lot line nor five feet to an alley line.~~

~~———— (6) Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this chapter.~~

~~———— (7) Landscaping and vegetation are exempt from the yard requirements of this chapter when not in violation of any state or federal law, statute or local law.~~

~~(C) Additions. Additions in the front yards of existing structures shall not project beyond the average of the existing front yards on the abutting lot or parcels.~~

~~(D) Average front yards. The required front yards may be decreased to the average of the existing front yards of the abutting structures on each side.~~

~~(E) Noise. Sirens, whistles and bells which are maintained and utilized solely to serve a public purpose are not to be enjoined under the performance standards section of this chapter.~~

(A) Lawful enclosures. ChickensPoultry lawfully kept within the Village shall be kept within the fenced area of the rear yard at all times. ChickensPoultry shall be secured within a Hen House during non-daylight hours. ChickensPoultry 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 154.007 of this Code, shall 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-impassable to rodents, wild birds, and predators, including dogs and cats.

(3) Hen Houses shall be designed to provide safe and healthy living conditions for poultry with a minimum area sized appropriately to the bird, healthy living conditions for chickens with a minimum area of four 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 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 Poultry Tractors shall be done in a good, workmanlike manner. The use of scribe, waste board, sheet metal, or similar materials is prohibited.

(6) Hen Houses which store chicken poultry feed must be constructed such that the feed is stored in rodent-proof containers. Uneaten chicken poultry 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 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.

#### 150.086 MODIFICATIONS AND EXCEPTIONS.

(A) Height. The district height limitations stipulated elsewhere in this chapter may be exceeded, but such modification shall be in accord with the following.

(1) Architectural projects, such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys, are exempt from height limitations of this chapter.

(2) Special structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, smoke stacks, and flag poles are exempt from the height limitations of this chapter.

(3) Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this chapter.

(4) Communication structures, such as radio and television transmission and relay towers, aeriels and observation towers, shall not exceed in height three times their distance from the nearest lot line.

(5) Public or semi-public facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, government offices and stations, may be erected to a height of 60 feet, provided all required yards are increased not less than one foot for each foot the structure exceeds the district's maximum height requirements.

(B) Yards. The yard requirements stipulated elsewhere in this chapter may be modified as follows.

(1) Uncovered stairs, landings and fire escapes may project into any yard but not to exceed six feet and not closer than three feet to any lot line.

(2) Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard, but such projection shall not exceed two feet.

(3) Residential fences are permitted on property lines but shall not exceed a height of four feet in the street yard and shall not be closer than two feet to any public right-of-way.

(4) Security fences are permitted on property lines but shall not exceed ten feet in height and shall be of an open type similar to chain link or wrought iron fencing.

(5) Accessory uses and detached accessory structures are permitted in the rear yard only; they shall not be closer than ten feet to the principal structure, they shall not exceed 15 feet in height, shall not occupy more than 20% of the rear yard area and shall not be closer than five feet to any lot line nor five feet to an alley line.

(6) Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this chapter.

(7) Landscaping and vegetation are exempt from the yard requirements of this chapter when not in violation of any state or federal law, statute or local law.



**(C) Additions.** Additions in the front yards of existing structures shall not project beyond the average of the existing front yards on the abutting lot or parcels.

**(D) Average front yards.** The required front yards may be decreased to the average of the existing front yards of the abutting structures on each side.

**(E) Noise.** Sirens, whistles and bells which are maintained and utilized solely to serve a public purpose are not to be enjoined under the performance standards section of this chapter.

**SECTION 7. Publication.** The Village 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 that invalid part shall remain in full force and effect.

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

**SECTION 10. Effective Date.** This Ordinance shall be in full force and effect ten (10) days following its publication in pamphlet form as provided by law.

	YES	NO	ABSENT	PRESENT
Buraglio				
Holland				
Miller				
Simons				
Spath				
Goergen				
Dennis Klatt*				

(to the extent a presidential vote may be necessary)				
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Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
**Dennis Klatt**, President,  
 Village of Wapella

AYES: \_\_\_\_\_  
 NAYES: \_\_\_\_\_  
 ABSENT: \_\_\_\_\_  
 ATTEST: \_\_\_\_\_

\_\_\_\_\_  
 Village Clerk

Published in Pamphlet form by authority of the Village Board, Village of Wapella,  
 on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
 Village Clerk