

Making a Squawk:

A Proposed Backyard Chicken Ordinance for Wenona, Illinois

by

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## **ABSTRACT**

Backyard chicken ordinances are subject to growing interest in many parts of the country, and they can be a divisive and complicated issue. If citizens are interested in keeping chickens within city limits, however, there are elements that can be included in the ordinance that balance the various desires of community members.

To develop a recommendation for a backyard chicken ordinance for the city of Wenona, IL, this report explores the literature related to these ordinances, identifying potential challenges, examining how ordinances are actualized across the country, and exploring recommendations for backyard chicken ordinances as discussed in the literature. It then examines five municipalities of geographic and size relevance to Wenona, examining the text of their ordinances and any reporting or council discussions on them. Interviews were conducted with municipal officials from the five cities to gain perspective into the day-to-day administration of the ordinance and any challenges they may face with their ordinance.

Finally, guided by the lessons from the literature and these five cities' experiences, recommendations for components of a backyard chicken ordinance are provided for the city of Wenona.

**TABLE OF CONTENTS**

Page

ABSTRACT..... 2

TABLE OF CONTENTS..... 3

METHODOLOGY..... 1

LITERATURE REVIEW..... 3

    Reasons for Backyard Chicken Ordinances..... 3

    Potential Challenges with Backyard Ordinances..... 4

        Noise and Odor..... 4

        Lack of Information and/or Training..... 5

        Avian Influenza..... 5

    Backyard Chicken Ordinances in Other Municipalities..... 6

        Flock Size Limits..... 6

        Rooster Bans..... 6

        Chicken Coop Design and Placement..... 7

        Permits..... 8

        Lot Size and Setbacks..... 9

    Literature Recommendations for Backyard Chicken Ordinances..... 10

ANALYSIS..... 11

    Marseilles..... 11

    Hudson..... 13

    Chenoa..... 14

    La Salle..... 15

    Fairbury..... 16

RECOMMENDATION..... 18

    Rooster Ban..... 19

    Flock Size Limit..... 19

    Chicken Coop Requirements..... 19

    Permits..... 20

    Slaughter..... 20

    Additional Considerations..... 20

DISCUSSION..... 22

CONCLUSION..... 23

REFERENCES..... 24

APPENDIX A..... 28

## **Making a Squawk: A Proposed Backyard Chicken Ordinance for Wenona, Illinois**

The city of Wenona, IL, does not have a dedicated backyard chicken ordinance. Wenona's general livestock ordinance states that "it shall be unlawful to keep or have any goats anywhere in the city, or any cattle, horses or chickens within three hundred feet (300') of any residence, other than the residence of the persons so keeping or having such animals, anywhere in the city" (Location Restriction, 1994). This makes keeping chickens in the city a practical impossibility for most, as the majority of lot sizes measure approximately 80 feet by 160 feet (*Marshall County, IL GIS*, n.d.). This report examines the topic of backyard chicken ordinances and proposes an ordinance to allow backyard chickens within the city of Wenona.

### **METHODOLOGY**

The research for this project took a two-pronged approach. The first prong was a comprehensive literature review. Sources were found using Google Scholar and Arizona State University's library database. Confining the search for backyard chicken ordinances were the requirements that the sources not be over twenty years old (i.e., published 2003 and after), published in the United States, and written in English. Literature reviewed included peer-reviewed journal articles, articles written in partial fulfillment of academic degrees, municipality publications, and other academically-grounded works.

While the literature review strove to be as exhaustive as possible, there were certain themes that were present in the literature on this topic that were intentionally not discussed in this review. Firstly, a discussion of urban agriculture more broadly (e.g., urban gardening, food production, beekeeping, keeping of animals other than chickens, etc.) was determined not to be appropriate for this paper. Neither were discussions of the

history of urban agriculture or backyard chicken ordinances. These discussions, while interesting, did not seem relevant to designing a backyard chicken ordinance for the modern day. The terminology of “urban agriculture” also could serve at cross-purposes to what is being discussed, as the city of Wenona does not fall into the U.S. Census Bureau’s definition of urban (*Rural America*, n.d.).

Another discussion that is not included in the literature review is in regards to zoning questions and overall zoning principles. Zoning may be mentioned in passing in this report, and zoning is a means for regulation of backyard chickens in some municipalities. However, because of the complexity of that separate issue and its lack of relevance to the city of Wenona’s current ordinance discussed above, it is not developed further here.

Motivations for the keeping of backyard chickens on an individual level are discussed briefly in the literature review. It is important to note, however, that several pieces of literature assign a hostility to conventional agricultural practices to those who raise backyard chickens. For example, Bouvier (2015) lists opposition to genetically modified food and an “industrialized food system” as reasons that people turn to backyard chickens (p. 86). These motivations are likely not relevant to a rural community with almost three and a half times the percentage of workers in the agricultural field than the national percentage (*Wenona City, Illinois - Census Bureau Profile*, n.d.). For this reason, these themes are not expounded upon in the literature review.

The second prong was doing an analysis of five municipal backyard chicken ordinances, all in Illinois. The five municipalities were Marseilles, Hudson, Chenoa, La Salle, and Fairbury. These municipalities were selected for their relevance to Wenona,

having populations between 800 and 10,000 and being located within 50 miles of Wenona. They all also have their municipal codes available online. This prong consisted of analyzing the text or the ordinance, any board minutes and/or news reports related to when the ordinance was adopted, and/or any violations that have been reported on. Interviews were conducted with officials from the five municipalities, gathering information on how they administer the ordinance, deal with violations, etc. The interviews were conducted using a standard set of questions, which can be found in Appendix A. The interviews were conducted over the phone. Consenting of participants was done verbally per study approval from the Arizona State University Institutional Review Board.

## **LITERATURE REVIEW**

In examining backyard chicken ordinances for the purpose of recommending an ordinance for the city of Wenona, a literature review was conducted to ground the discussion in current research. This literature review examines the themes of reasons for backyard chicken ordinances, potential challenges with backyard chicken ordinances, common regulatory themes in backyard chicken ordinances discussed in literature, and policy recommendations found in the literature.

### **Reasons for Backyard Chicken Ordinances**

The decision to keep chickens in one's backyard can be driven by a number of factors. For example, a nationwide survey conducted by McClintock et al. (2014), found motivations including knowing where their food came from, preferring the quality of food they raise themselves, sustainability, and educational benefits, among others. Another nationwide survey found the top three motivators to be having chickens as a

food source, utilizing them in a garden system, or having them as a pet (Elkhoraihi et al., 2014). Other motivations, while noted less frequently, included “source of income, family tradition, [and] shows (4-H)” (Elkhoraihi et al., 2014, p. 2923). Sheridan (2013), in discussing the effort to pass a backyard chicken ordinance in Missoula, MT, found that the most common arguments in favor of the ordinance were related to “education of children, agroecological benefits, knowing the source of food...[,] and fresh eggs” (p. 19).

### **Potential Challenges with Backyard Ordinances**

Despite the motivations for keeping backyard chickens, challenges exist. Among those identified in literature include concerns with noise, odor, lack of information and/or training, and avian influenza (AI).

#### ***Noise and Odor***

Noise is identified as a concern of opponents and critics of backyard chicken ordinances in several sources. According to Erchull (2014), “The likelihood of excessive noise is of particular concern if roosters are allowed to live in residential areas. Noise can be a problem even when only hens are present if there is insufficient space between the coop and the surrounding homes” (p. 63). Hens may also make noise while laying eggs (Jobmann et al., 2010).

Another concern is with odor. Ammonia and hydrogen sulfide are released when chicken manure decomposes and produces odor (Jobmann et al., 2010). A strong ammonia smell is likely caused by a poorly ventilated coop (Bouvier, 2012).

### ***Lack of Information and/or Training***

A lack of information or training on the part of the owner of backyard chickens is a legitimate concern. According to Elkhoraibi et al. (2014), many backyard chicken owners “lack knowledge of the risks of disease transmission associated with the presence of wild birds or the burial of carcasses on their property” (p. 2925). The sources of information that owners are utilizing might not always be the most accurate information available, as three-quarters of them report utilizing the internet as their primary source of information, while only 12% utilize sources like university extension or state and/or federal agencies (McClintock et al., 2014). Furthermore, those sources could be doing more to provide this education, with surveys indicating that they should be providing more information relating to “management practices associated with disease transmission, such as carcass disposal, coop cleaning regimens, and the proximity of wild birds” (Ayala et al., 2020, pp. 5–6).

### ***Avian Influenza***

The lack of information and training can also cause the spread of avian influenza (AI). According to Elkhoraibi et al. (2014), “the relatively high percentage of backyard owners not familiar with important and highly transmissible infectious diseases, such as AI and Newcastle disease, is concerning” (p. 2928). Ayala et al. (2020) explain that “it is well-established that backyard chickens may serve as pathogen reservoirs to the commercial poultry industry and that the most likely mechanism of spillover involves wild birds” (p. 3). This very legitimate concern can be mitigated, at least partially, by employing robust biosecurity and vaccination programs (Ayala et al., 2020).

## **Backyard Chicken Ordinances in Other Municipalities**

A variety of literature sources examine backyard chicken ordinances in a variety of municipalities. Common regulatory themes across the ordinances discussed in the literature include flock size limits, rooster bans, chicken coop design and placement requirements, permits, and lot size and setback requirements.

### ***Flock Size Limits***

Limits to the number of chickens allowed in a backyard flock is a common item in backyard chicken ordinances. According to an analysis by Bouvier (2015), many municipalities limit the number of chickens to eight. Another analysis of ordinances finds a range of four to 25 (Edelman-Gold & Melendy, 2020). Other approaches include a variable flock size limit that is based on the overall lot size. For example Edelman-Gold & Melendy (2020) found that cities like Buffalo, NY, and Cleveland, OH, apply a scale of one hen per 1,000 or 800 square feet, respectively.

While limits are a common tool in designing backyard chicken ordinances, a nationwide survey found that backyard chicken owners do not significantly vary the number of birds they own regardless of whether statutory limits are in place or not (McClintock et al., 2014). Despite this, only a third of the respondents favored limits to flock size being included in the ordinance, but in studying ordinance violations, it was found that only about one in five of the violations actually occurred because someone owned too many chickens (McClintock et al., 2014).

### ***Rooster Bans***

Rooster bans come as a way to address concerns relating to noise and nuisance. Roosters typically cause the most complaints. According to a survey, of the ten percent of

backyard chicken owners who received a complaint from a neighbor, half were due to a rooster (McClintock et al., 2014). A review of backyard chicken ordinances in Colorado found that two-thirds of municipalities banned roosters, while many of the ones that did allow them had additional restrictions such as number limits or lot size requirements (Brinkley et al., 2018). An examination of the municipal chicken ordinances of the top 100 cities in the United States by population found 26 outright banned roosters while many others had large setback requirements (Bouvier, 2012). Another review of ordinances stated that “many localities allow roosters only in agricultural or large lot residential zones, or have stringent setbacks of 100 feet (30 meters) or more from neighboring residences or property lines” (Butler, 2012).

### ***Chicken Coop Design and Placement***

In order to help mitigate issues around odor, sanitation, and animal welfare, municipalities can incorporate requirements relating to chicken coop design and placement into their ordinances. According to Butler (2012), over three-quarters of the ordinances reviewed included enclosure requirements, specifications, or setback requirements from the property line and the dwelling. Butler (2012) goes on to state that “they also tend to outline cleaning requirements, including the frequency and acceptable techniques for cleaning enclosures and disposing of animal wastes. There are usually care requirements, such as ensuring that there is adequate water, food, and space for each animal” (p. 206). Salkin (2011) provides some specific examples of these design requirements, such as requiring a fenced enclosure of at least 42 inches high, requiring a floor of cement or another washable material, or allowing a minimum number of square feet per bird.

## *Permits*

To assist in monitoring, controlling, and enforcing the backyard chicken ordinances, some municipalities institute a permit system for people wishing to own chickens. According to Brinkely et al. (2018):

Ordinances offer an important tool for owner education as well as official oversight of practices through permitting. Owners may not know about preventative measures that could improve the welfare of their birds, wild birds, commercial operations and public at large. (p. 641)

A study of ordinances in Colorado found that over half include a permit requirement (Brinkley et al., 2018). Permits examined by Salkin (2011) cost between \$10 and \$50 per year and some require an inspection prior to the municipality issuing the permit.

Municipalities examined by LaBodie (2008) found about half requiring a permit, with costs ranging from five dollars to \$40. Butler (2012), meanwhile, found 20 of 22 municipalities he examined to require a permit. Butler (2012) added that:

Many ordinances specify administrative oversight to manage the permitting program and to conduct inspections to identify code violations. Municipalities rely on a variety of departments such as those responsible for health, animal control, land development and building, or their equivalents to administer the permitting program. In general, codes clarify that a permit will be issued once the administrative department has ensured that all the provisions of the code have been met by the applicant. (p. 207)

Bouvier (2015) explains that some permit systems do not give the municipality any discretion (i.e., if the applicant pays the fee they get the permit) while others have extensive inspections or otherwise impose other limits before a permit is granted.

### ***Lot Size and Setbacks***

Lot size requirements and property line setbacks are another tactic used in some municipal ordinances. According to Salkin (2011), lot size requirements and setbacks can be used to limit flock size, keep chickens out of dense neighborhoods, and allow enough space for the chickens. In regards to setbacks, Butler (2011) explains:

Used alternatively or in conjunction with lot sizes, setbacks ensure a minimum distance from neighboring property lines or structures. The use of setbacks is particularly prevalent in animal control ordinances in relation to residential properties and structures. Many municipalities use setbacks as a central tool to separate nearby residences from animals that might cause nuisance. (p. 203)

According to Butler (2011) however, these types of requirements are more common for larger types of livestock than they are for chickens.

In terms of the practical realities of backyard chickens, McClintock et al. (2014) present survey results showing that 60% of owners kept their chickens five feet or less from the property line, and approximately two-thirds of respondents kept their chickens within 20 feet of their neighbors' houses. McClintock et al. (2014) explain that:

While there is no correlation between lot size and distance to the respondent's dwelling, lot size does correlate with distance to the property line and distance to a neighbor's dwelling; on bigger lots, dwellings are usually farther from the property lines. (p. 434)

From a compliance standpoint, the 88% of violations tracked by McClintock et al. (2014) were setback violations. As Salkin (2011) importantly cautions, however, overly restrictive requirements can in essence ban chickens if lot sizes in the municipality are not large enough to allow for widespread compliance.

### **Literature Recommendations for Backyard Chicken Ordinances**

In addition to simply examining existing municipal chicken ordinances, several works offered recommendations for designing a new backyard chicken ordinance.

Edelman-Gold & Melendy (2020) recommend that chickens be allowed in rear and side yards. They also recommend setting a flat maximum number of chickens and then allowing for additional chickens in lots that are larger than a specified size (Edelman-Gold & Melendy, 2020). They also encourage that setback requirements be reduced as far as possible to allow for the greatest potential use of people's property (Edelman-Gold & Melendy, 2020). McClintock et al. (2014) recommends establishing minimum space requirements per chicken.

Bouvier (2015) recommends that ordinances allow for keeping at least four chickens and require that they be put away in a coop at night. Bouvier (2015) recommends that municipalities weigh the enforcement costs involved with establishing a permit system before doing so. They state that "if a city decides to use a permitting process, one approach that cities might consider is partnering with a private organization to provide a class or an educational program in order to receive the license" (Bouvier, 2015, p. 114). This approach, Bouvier (2015) argues, would both allow municipalities to spend less on enforcement while also addressing concerns related to lack of information and training. Even outside of utilizing a private organization to manage a permitting

process, Bouvier (2015) encourages any municipality adopting a backyard chicken ordinance to seek partnerships with entities like extension to facilitate public education and expert guidance when drafting regulations.

## **ANALYSIS**

In order to base the recommendation to the city of Wenona in tried practices from within the geographical area, an analysis of five municipal backyard chicken ordinances from within 50 miles of Wenona was conducted. This analysis consisted of both desk research and interviews with municipal employees.

### **Marseilles**

The city of Marseilles allows backyard chickens in its municipal code. The municipal ordinance contains the following provisions (Chicken and Coop Requirements, n.d.):

- Roosters are prohibited;
- Chickens are only allowed on lots with an occupied residence;
- Chicken coops must have both an enclosed portion and a fenced run of not less than 32 square feet;
- Coops must be no more than 200 square feet with no side more than 20 feet long;
- Coops must be at least 10 feet from the property line;
- Chickens must be kept in the rear yard;
- Chickens must be restrained by a chicken coop or run;
- Chicken feed must be kept in a predator-proof and rodent-proof container;
- Waste must be properly disposed of to not attract pests or emit odor;

- Chickens shall not be allowed to make enough noise to disturb neighbors, shall be cared for when ill, and shall be disposed of properly as to not impact public health or safety; and
- Slaughtering on premises is prohibited.

In order to have backyard chickens, a yearly permit of \$25 must be obtained from the city, with applications reviewed by the police and coop siting approved by the zoning enforcement officer (Chicken and Coop Requirements, n.d.). The permit application also specifies that only five hens are allowed per person and that coops must be at least 30 feet from any neighboring residences (*Chicken Registration Application*, n.d.). It also specifies that violations will result in a fine of \$100 per day and three violations in a 12-month period will result in the loss of the ability to keep chickens, after which point a \$750 per day fine will be levied if chickens are found on the property (*Chicken Registration Application*, n.d.)

The Marseilles ordinance is enforced by an ordinance enforcement officer located in the police department. Last year, approximately 12 permits were issued. Complaints are very rare, and the few that have occurred are typically for someone having a rooster, which is in violation of the ordinance. Because the requirements are provided to the person applying for a permit, coops are typically up to code. The interview conducted did reveal a desire for stronger enforcement. The current practice is to provide warnings before taking any enforcement action, but the interviewee did not feel that was always effective in getting issues resolved.

## **Hudson**

Hudson's backyard chicken contains the following provisions (Keeping of Animals, n.d.):

- Roosters are prohibited;
- Only allowed on parcels with single-family or two-family dwellings;
- Maximum of four hens allowed;
- Must be confined to a coop with a run, with the run composed of fencing with 16-gauge wire or greater and the coop with a entry into the run;
- Coop must have a minimum of four square feet per hen and the run must have eight square feet per hen;
- Hens may only be kept in rear yard;
- Coop must be at least five feet from the property line and 50 feet from neighboring structures;
- Coops over 120 square feet require a building permit;
- Coops must be kept clean and odors should not be detectable by neighbors;
- Manure cannot be composted within 30 feet of a neighboring structure.

Hudson requires a permit for backyard chickens, which costs \$48 per year and must be renewed yearly, with coops examined by the zoning officer at each renewal (Keeping of Animals, n.d.). Keeping chickens without a license results in a fine of \$50 per day up to \$750, but a seven-day grace period is given in which the person can get a license to avoid the fines (Keeping of Animals, n.d.). If a violation of the ordinance is found, seven days are given to rectify the problem or the license is revoked (Keeping of Animals, n.d.).

An interview with a municipal official revealed that Hudson has approximately seven to 10 people with backyard chicken permits. While there were some community members opposed to the ordinance when it was first passed, overall reaction since then has been positive. In the six years that the ordinance has been in place, they have only received two complaints and both were as a result of someone's chickens being out and were easily rectified. There have been no ordinance violations during the period either.

There have been some community members that have requested having ducks or other waterfowl, but the community decided not to pursue that due to the time, effort, and legal fees needed to make the change for just one or two people. One challenge the community identified was people complaining that the \$50 permit fee is too high, and there have been some people who had chickens but then got rid of them because they did not feel the \$50 to renew the permit was worth what they got out of it.

### **Chenoa**

Chenoa's backyard poultry ordinance contains the following provisions (Keeping of Poultry, n.d.):

- Maximum of eight chickens or ducks per lot;
- Roosters, guinea fowl, or loud species of chickens are prohibited;
- No slaughtering allowed;
- Poultry must be in a fenced enclosure with a covered portion;
- Enclosures cannot be within 25 feet of a neighboring residence unless written permission from the neighbor is obtained;
- Manure is not permitted to accumulate; and

- The city may decrease the number of chickens allowed on a specific property if they receive complaints.

Chenoa's original backyard poultry ordinance, adopted in 2013, only allowed for six chickens or ducks and passed by a vote of three to one (Murphy, 2013). In 2022, however, the city council agreed to increase the number of chickens or ducks allowed to eight (*Meeting Held October 11, 2022, 2022*). The increase was proposed due to stores requiring minimum purchases of eight birds (*Meeting Held August 23, 2022, 2022*). In a discussion of the proposed increase at an earlier meeting, it was said that "there has not been issues with chickens other than one person having well over the amount allowed" (*Meeting Held September 27, 2022, 2022, p. 2*).

The interview revealed that there are about six to eight people with chickens in the city of Chenoa. They have had no complaints or need for enforcement action. They would only take enforcement action if they received a complaint regarding someone having more chickens than allowed by the ordinance or not having their chickens contained.

### **La Salle**

The city of La Salle's backyard chicken ordinance contains the following provisions (Keeping of Livestock, n.d.):

- Hens and female ducks are permitted;
- Roosters, male ducks, and guinea hens are prohibited;
- A maximum of 10 birds are allowed;
- The enclosure must be at least 25 feet from any neighboring residence;
- Enclosures must be kept clean and sanitary;

- Manure cannot be allowed to accumulate;
- Slaughter is prohibited; and
- Permits are required, and they cost \$30 per year and shall be approved by the building inspector.

An interview with a La Salle official revealed challenges with their ordinance. Because the ordinance does not specify design requirements for the coop itself, there have been instances of people using very makeshift contrivances to house their chickens. As a result of these challenges, there have been some discussions about making changes or even repealing the ordinance. The city receives about 10 to 15 complaint calls a year, but the official said that the number of complaints and the number of violations has definitely decreased since the height of the COVID-19 pandemic. Approximately 80% of the complaints and violations were about people having roosters, which are prohibited by the ordinance. According to the official, most people when confronted with losing their license do not fight it but rather just get rid of their chickens.

### **Fairbury**

Fairbury's backyard chicken ordinance contains the following provisions (Animals, n.d.):

- The minimum number of hens allowed is four, and the number increases by one hen per additional 5,000 of square feet in the lot up to a maximum of 10;
- Hens must be kept in a rear yard, and the run fence must be four feet or higher;
- Hens must be confined in a coop from dusk to dawn;
- Coops must be at least 10 feet from the property line and 25 feet from neighboring dwellings and require a building permit to erect;

- Coops must also meet the following requirements:
  - Between four to eight square feet per hen;
  - One nesting box per hen;
  - No more than eight feet high;
  - No more than 120 square feet large;
  - Openings covered with wire mesh;
  - Run of no more than 32 square feet surrounding/attached to the coop;
- Manure and other debris must be removed at least once a week;
- Chicken carcasses must be removed within 24 hours;
- Slaughtering is allowed, but only within an enclosed building; and
- Feed must be stored in a rodent-proof container within an enclosed building.

Keeping chickens in Fairbury requires a permit. Applications are submitted to the city clerk and a copy must be provided to all neighbors (but their permission is not required) (Animals, n.d.). The initial permit costs \$50 and the yearly renewals cost \$25, and the coop and run will be inspected before the permit is granted (Animals, n.d.). Licenses can be denied to people who are delinquent with the city or have previous violations of certain code sections. Violators of the code have seven days to get back in compliance and those keeping chickens without a license will have seven days to get a license for an increased cost of \$100 (Animals, n.d.). The ordinance also gives the mayor and city council the ability to issue orders prohibiting the keeping of chickens if a health hazard has been shown (Animals, n.d.).

An interview revealed that Fairbury currently has 11 backyard chicken permits. One of the biggest challenges they have are the coop sizes. The space requirements and

the requirement that there is one nesting box per hen exceed the specifications of most coops that can be bought from retailers. As a result, new license inspections often require the owner to expand their coop, but they have not had any issues with people getting into compliance once informed. The other issue they have are people getting chickens without getting the permit first. They have all been brought into compliance, but it does cause additional work and follow-up.

In terms of violations, they have had one person with a rooster, but they got rid of it as soon as notified it was not allowed. There was one instance where a renewal was not paid after several notices, and the permit expired. They were then not in compliance because they had chickens without a permit, but finally re-applied and got their license for an increased cost. One improvement the city has made recently was changing the permits from expiring at their anniversary to all expiring at the end of the city's fiscal year. This significantly improved the task of administering the renewals, as they did not have to be tracked to determine when they expired and needed to be renewed, as they now all expire at the same time each year.

### **RECOMMENDATION**

Were the city of Wenona to adopt a backyard chicken ordinance, the literature review and study of the text and administration of five ordinances from peer municipalities suggest some components that should serve as part of Wenona's ordinance. Because this is an academic discussion and not a legal one, these are presented thematically, not as a fully-formed and legally vetted ordinance.

## **Rooster Ban**

A common theme throughout the literature was the usage of rooster bans as a means of mitigating noise and nuisance complaints. They were also banned by all five of the local ordinances examined. Wenona should follow this common theme and ban roosters. If a person is found with a rooster, they should be given seven days to get rid of it, after which they should be fined, with the fine increasing for each day past the seven they still have the rooster.

## **Flock Size Limit**

Wenona should impose a flock limit. Six hens is a common limit discussed in the literature. Wenona, however, should adopt a flock size limit of eight hens. Chenoa recently increased their limit from six to eight due to requests from community members who claimed that stores were requiring a minimum purchase of eight chicks. This claim has not been evaluated, however the city official interviewed stressed they have had no issues with their ordinance, so the increase from six to eight has not had any negative impacts.

## **Chicken Coop Requirements**

Chicken coop design requirements should be imposed on chicken coops to avoid the issue that La Salle has with people erecting makeshift coops that are not fit for use. However, they should not be so restrictive that they cannot be easily met by commercially-available coops, such as occurred in Fairbury. Coops should provide five square feet of space per hen, based on the average discussed in the literature and standard care requirements (Brinkley et al., 2018; Weiland & Nolden, 2018). People raising layers must provide at least one nesting box per four chickens (Weiland & Nolden, 2018). Based

on the ordinances reviewed, a setback of at least 10 feet to the property line and 25 feet to any neighboring residence would be appropriate.

### **Permits**

Wenona should require permits for those wishing to keep backyard chickens. Permits should renew each year, and this renewal can be placed on the same timeline as permit renewals for dogs and golf carts for ease of administration. Initial permits, which can be applied for at any point during the year, should require an inspection of the coop from the city zoning director to ensure it meets the design requirements as discussed above. Permits should be priced at between \$15-\$25 per year. This will help defray the administrative and inspection costs, but it will not be so high as to discourage participation, as Hudson is finding their \$50 permit to be.

### **Slaughter**

Slaughter should be allowed within enclosed buildings, such as allowed in Fairbury. While the literature and the ordinances for the most part reflect a ban on slaughter, when specifically asked if they had any issues with the slaughter provision in their ordinance, the Fairbury city official did not even remember it was in the ordinance; it was such a non-issue. Allowing slaughter, while ensuring it is outside of the public eye, will allow the backyard chicken ordinance to be utilized for both layers and broilers.

### **Additional Considerations**

The ordinance should make clear that there are expectations of cleanliness and proper manure disposal. It should stipulate that manure is not to be disposed of in the city yard waste disposal area and this should be enforced. It should also state that food must be stored in rodent-proof containers.

One common issue in the interviews was people not being aware that a permit was required or that certain coop design specifications were enforced prior to getting chickens. The city should proactively inform residents about these requirements through usual touchpoints with residents, including existing digital signage, the automated calls/texts that go out to residents who have signed up for them, and as a packet of information to new residents when they come by city hall for tasks such as transferring the water bill to their name.

The city can also help address the issue of lack of information and/or training by partnering with University of Illinois Extension to bring backyard chicken training sessions to Wenona on a periodic basis, and potentially provide an Extension-developed information sheet to all permit applicants.

Not considered is the keeping of ducks or other waterfowl. La Salle and Chenoa both allow for ducks. The interview with Hudson revealed they had received requests from community members to have ducks, but they did not want to spend the money and time to change their ordinance for just a couple of people. This suggests that a decision on whether to allow ducks or other waterfowl should be made upfront during initial ordinance adoption. Ducks and waterfowl were not a subject of the literature review and thus no recommendation is being made on these in this report.

None of the municipalities interviewed indicated that there was any substantial opposition from commercial or business organizations. Opposition potentially could come from large poultry operations, but the 2017 U.S. Census of Agriculture reveals there is not an issue in Marshall County. In the county, 38 farms have commercial poultry, but 28 of those have less than 49 birds, and only nine have between 100 to 399

birds (*Table 19. Poultry - Inventory and Number Sold: 2017 and 2012, 2019*).

Meanwhile, Livingston County, where Fairbury is located, has 54 farms with poultry, and 2 of those have between 400 and 3,199 birds (*Table 19. Poultry - Inventory and Number Sold: 2017 and 2012, 2019*). The interview did not indicate that there was any issue with these larger poultry farms during the adoption of their ordinance. This indicates that any commercial poultry operations in the area, to the extent that they are aware of the backyard chicken ordinances, have not registered any opposition to them.

## **DISCUSSION**

This research can serve as a starting point for a discussion of a backyard chicken ordinance within the city of Wenona, IL. While this is the driving motivation behind this research, other municipalities may find value from this report if they themselves are considering adopting an ordinance or looking for ideas they could implement as changes to an existing ordinance.

As always, there are opportunities for further study. As discussed in the methodology section, there were conscious decisions made in the scope of the literature review, and the items that were excluded certainly could be the topic of future research. This paper also limited the analysis of ordinances in practice (outside of the ones discussed in the literature) to five municipalities in central Illinois. While this was done intentionally to provide insight from peers, expanded research into ordinances in other parts of the state and the country could provide value.

Finally, while this paper provides a recommendation to the city of Wenona for a backyard chicken ordinance, it does not attempt to short-circuit the work of elected officials or diminish the views of community members. Rather than attempting to be the

final say in a debate, this paper simply serves to position that debate in an academic grounding. No polling, focus groups, or any other type of public contact was conducted to attempt to collect and present the views of the community. The city of Wenona—and any other municipality considering a backyard chicken ordinance—is encouraged to allow for robust public input from citizens with a wide diversity of backgrounds and viewpoints.

## **CONCLUSION**

The city of Wenona has the opportunity to remove its virtual prohibition on backyard chickens and allow for their broader adoption. Through a review of the literature and study of five ordinances from the surrounding area, the recommendations in this report can serve as a starting point for a discussion on designing an appropriate ordinance for Wenona. Residents would be served by having the ability to raise backyard chickens. Approaching it in a reasoned approach with sufficient guardrails and enforcement mechanisms will allow for the city of Wenona to maintain a high standard of beauty, community, and public appeal.

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## APPENDIX A

### INTERVIEW QUESTIONNAIRE

1. How is your position involved in administering your community's backyard ordinance?
2. Roughly how many backyard chicken permits have been issued?
3. How many complaint calls do you typically receive in a year?
4. How do you address complaint calls?
5. How is the ordinance enforced?
6. How many violations of the ordinance have there been in the past year?
7. Were you in your position when the ordinance was adopted?
  - a. If so, what was the public reaction to the ordinance like?
  - b. Were there any entities that were opposed to the ordinance?
8. Have you heard of any efforts to change or repeal the ordinance?
9. Did you have to make any changes to your approach in response to avian influenza?
  - a. Was there any increase in concern from the public regarding the ordinance during the avian influenza outbreak?
10. Are there any other challenges your community has faced regarding the ordinance or anything you wish could be improved?