

CHAPTER 3
ANIMAL CONTROL

Section

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§8-3-1: IDENTIFICATION:

Every owner of an animal pet which is not continually confined indoors shall have his animal identified by attaching a suitable identification tag to the animal's collar or harness, which shall be worn by the animal at all times. (Ord. 68-25, passed 3-18-1968)

§8-3-2: RABIES VACCINATION:

Every owner of a dog four (4) months of age or older shall each year, on or before June 1, cause said dog to be vaccinated for rabies by the county rabies inspector, his deputies or any licensed veterinarian, and provide the dog with a collar or harness and attach the official tag which shall be worn by the dog at all times. (Ord. 68-25, passed 3-18-1968)

§8-3-3: ANIMAL NUISANCES:

- (A) It shall be unlawful and shall constitute a public nuisance for any person to harbor or to keep any animal within the Village which disturbs the peace by making loud, unnecessary, unusual, and/or repeated noises at any time of the day or night which disturbs, damages, or interferes with the comfort, repose, health, peace, or safety of others. (Ord. 2019-12, passed 12-16-19)
- (B) Any animal pet which trespasses on or damages the property of a person who is not its owner or which creates a public disturbance or excessive noise is hereby declared to be a public nuisance.
- (C) Any animal pet which harms, threatens or endangers the physical safety of any person or any other animal pet is hereby declared to be a public danger.
- (D) Any animal pet which is not on the property of its owner and which has no collar upon its neck containing a suitable identification tag affixed thereto is hereby declared to be a stray.
- (E) Any animal pet which has no collar upon its neck containing a current rabies tag affixed thereto is hereby declared to be a threat to public health. (Ord. 68-25.1, 1973)

- (F) Any dog which is unattended and not located on the property of its owner is hereby declared to be a public nuisance. (Ord. 75-111, passed 8-18-1975)
- (G) Any person who has knowledge of facts sufficient to provide reasonable grounds for belief that any animal pet is a public nuisance, public danger, stray or threat to public health, may file a verified complaint with the Village police setting forth such facts, a description of the animal pet and the name of the owner of the animal pet, if known.
- (H) Upon receipt of a complaint by any person or information from any public official that an animal pet is a public nuisance, public danger, stray or threat to public health, a police officer of the Village shall notify the owner(s) of the animal pet, if known, of the charges against them and in such event, a verified complaint or citation shall be filed with a court of competent jurisdiction or with the Village's Administrative Adjudication Department which shall, by a notice to appear or by a summons, require the owner to appear in court or at a Village hearing on such charges. (Ord. 73-25.1, 1973; Amd. Ord. 2019-12, passed 12-16-19)

(Amd. Ord. 2019-12, passed 12-16-19)

§8-3-4: IMPOUNDING ANIMAL PETS:

- (A) Any Village policeman or member of any other appropriate law enforcement body who observes an animal which he believes to be a public nuisance, public danger, stray or threat to public health or about which he knows that a verified complaint has been received stating that said animal is a public nuisance, public danger, stray or threat to public health shall apprehend said animal and make a reasonable effort to determine and inform the owner of the animal of such condition and then return said animal to the owner, unless he believes that the animal is a threat to safety, property or peace of the community or the animal has bitten a person and must therefore be impounded pursuant to this Chapter. If he cannot determine and inform the owner through reasonable effort, he shall apprehend the animal and deliver it to a pound or animal hospital. (Ord. 78-147, passed 5-15-1978)
- (B) The law enforcement agency which impounds an animal under the provisions of this Chapter shall take reasonable measures to identify, locate and notify the owner of any animal so impounded.
- (C) The owner of any animal pet which is impounded shall be liable for the daily room and board rate of the pound or hospital for animals of similar size and like breed and for any normal and reasonable veterinary fees, including inoculations.
- (D) It shall be the duty of the poundkeeper to humanely dispose of any impounded animal ten (10) days from the date of apprehension unless he is directed by the Village Board, the Chief of Police or the court to delay disposing of the animal.
- (E) Unless directed to do otherwise by the Village Board, the Chief of Police or the court, the poundkeeper shall release an animal which was a stray or a threat to public health if the animal has received suitable identification or a current rabies tag, but the poundkeeper shall not release an animal which is confined as a public nuisance or a public danger unless directed to do so by the Village Board, Chief of Police or the court.
- (F) When animal pets are impounded under this Chapter, the Village Board is hereby authorized to pay the costs arising from impounding or disposing of them if such costs are not paid by the owner. Said expenses shall be considered as necessary for the public health and safety. (Ord. 73-25.1, 1973)

§8-3-5: BITING OF PERSONS:

Whenever any person has been bitten by a dog or other animal, the proper law enforcement agency shall have such animal confined in the custody of and observed by a licensed veterinarian in the county. Within twenty four (24) hours after the dog or other animal is confined, the veterinarian shall report to the proper official as required by State statute. Such dog or animal shall be confined for a period of ten (10) days and the proper law enforcement agency notified as to the final disposition of said animal.

The impounding of animals under this Section shall be at the owner's expense if ownership is determined. In the event the owner of the animal cannot be determined, the Village Board of Trustees is hereby authorized to pay the cost of such confinement. Said expenditure shall be deemed necessary for the public health and safety. (Ord. 68-25, passed 3-18-1968)

§8-3-6: DEAD OR DISEASED ANIMALS:

All dead animals shall be removed by the proper policing authority.

All animals so diseased as to constitute a danger to the public health or safety which are not adequately restricted by the owner shall be impounded under the provisions of Section 8-3-4 of this Chapter. (Ord. 68-25, 3-18-1968)

§8-3-7: DANGEROUS OR VICIOUS ANIMALS:

It shall be unlawful to permit any dangerous or vicious animal to run at large within the Village. Any law enforcement official is hereby authorized to take appropriate emergency action in any situation wherein a dangerous or vicious animal is at large within the community. (Ord. 68-25, passed 3-18-1968)

§8-3-8: INHUMANE TREATMENT OF ANIMALS:

No person shall inhumanely beat, underfeed, overload, abandon or otherwise mistreat or cruelly treat any animal in the Village. (Ord. 68-25, passed 3-18-1968)

§8-3-9: ANIMAL WASTE:

- (A) The owner, keeper or other person having control of any animal which defecates upon any public property or upon any private premises not belonging to the owner or keeper, or other person having control of such animal, shall immediately remove such deposit from any public property or private premises as aforesaid.
- (B) This Section shall not apply to a blind person while walking his or her guide dog.
- (C) For the purposes of this Section, the term "public property" includes but is not limited to any public right-of-way.

(Ord. 2003-008, 5-19-2003; Amd. Ord. 2016-01, passed 02-15-2016)

§8-3-10: BACKYARD CHICKENS:

(A) Definition: For purposes of this Chapter, the following term shall have the meaning as set forth herein:

BACKYARD CHICKEN: Chicken hens (the female of the species *Gallus gallus domesticus*), but only as permitted by this Section 8-3-10 of this Chapter. Backyard chickens shall not include any roosters or any other species of fowl.

DEEP LITTER SYSTEM: An animal housing system, based on the repeated spreading of straw or sawdust material in an indoor enclosure. An initial layer of litter is spread for the animals to use for bedding material and to defecate in, and as the litter is soiled, new layers are continuously added. The usual procedure for built-up floor litter is to start with about 4 inches of fine litter material with additions of 1 to 2 inches later as needed without removal of the old.

PREDATOR APRON: A predator apron is fencing that is buried below ground level or bent horizontally at and on the ground surface to provide a barrier to predators which may attempt to find a way to enter into a chicken coop or chicken run. Half-inch (1/2") welded and galvanized hardware cloth shall be used for this purpose and chicken wire shall not be used.

(B) General Regulations:

(1) The allowing, permitting, keeping and/or maintaining of backyard chickens as an accessory use on any residential property located within the Village may only be permitted after the Village has received, reviewed, and approved the mandatory Application and Registration Form and any related documentation required and/or requested by the Village from the owner(s) and occupant(s) of the respective residential property, which registration form shall be submitted to the Village for its review and approval on an annual basis on or before May 1st of each year. The allowing, permitting, keeping and/or maintaining of backyard chickens on any such residential property shall also be subject to the following regulations:

- (a) Parcel Zoning and Area: Subject to the other conditions of this Chapter and of this Village Code, backyard chickens may be allowed, permitted, kept and/or maintained on a lot or parcel, or combination thereof within the Village which is or are improved with an occupied single-family residential structure, on property located within the Village's A-3, A-4, or F Zoning Districts, but only if such lot or parcel has a minimum of two (2) acres or more, and in addition, such lot or parcel shall be and remain subject to any recorded covenants, conditions, and restrictions which are applicable to the specific subdivision in which said property is located, which covenants, conditions, and restrictions of record may be enforced by the applicable homeowner's association. In the case of any conflict between the applicable ordinances of the Village and the covenants, conditions, and restrictions of record which are applicable to any parcel, the more restrictive regulations shall be applicable.
- (b) Parcels Containing and/or Adjacent to Any Bodies of Water: Notwithstanding any other provisions contained herein, the keeping and/or maintaining of chickens is not allowed on lots or parcels which are adjacent to any of the following bodies of water: Tower Lake, North Lake, Davlin's Pond, Cypress Pond, and Wagner Fen.
- (c) Limited to Certain Village Zoning Districts: The allowing, permitting, keeping and/or maintaining of backyard chickens shall only occur on a residential lot or parcel located within the A-3, A-4, or F Zoning Districts of the Village, and only if such lot or parcel has a minimum lot area of two (2) acres or more containing an occupied single-family detached residential dwelling unit. The allowing, permitting, keeping and/or maintaining of backyard

chickens is prohibited on all other properties within the Village, including but not limited to parcels improved with duplexes, townhomes, condominiums, apartments, and/or any other multi-family residential dwelling unit, or improved with any non-residential structure.

- (d) Vacant Parcels: The allowing, permitting, keeping and/or maintaining of backyard chickens shall be prohibited on any vacant parcels or on any single-family residential property which is not occupied.
- (e) Maximum Number: Notwithstanding any other provisions of this Village Code relative to the maximum number of animals which are permitted to be kept on a property within the Village, the maximum number of backyard chickens which may be kept on any lot or parcel within the Village may not exceed twelve (12) birds of any age and only on any occupied single-family residential lot or parcel of two (2) acres or more located in the A-3, A-4, or the F Zoning District of the Village.
- (f) Roosters Prohibited: Roosters are prohibited to be kept and/or maintained anywhere within the Village.
- (g) Slaughtering of Animals Prohibited: The out-of-doors on-site cleaning and/or slaughtering of any chicken or other fowl, or of any other animal (other than fish) is prohibited within the Village.
- (h) Registration Required:
 - (i) On or before May 1 of each year, any person(s) desiring to allow, permit, keep and/or maintain backyard chickens on any residential lot or parcel of two (2) acres or more in the A-3, A-4 or F Zoning Districts within the Village (sometimes referred to herein as the “operation”), and any and all persons presently allowing, permitting, keeping and/or maintaining backyard chickens on any such property within the Village limits, including both the owner(s) and occupant(s) of such residential property, are required to and shall register said operation with the Village of Tower Lakes by submitting an “Application and Registration Form for the Keeping of Backyard Chickens” (the “Application and Registration Form”) supplied by the Village and approved by the Village Board of Trustees, to the Village of Tower Lakes Village Hall, 400 N. Rt. 59, Tower Lakes, IL 60010 for the review and approval by the Village. If the applicant(s) for said operation are not the owner(s) of the property in question, but rather, are tenant(s) occupying the subject residential property, the applicant is and shall be required to obtain the written consent of the respective owner(s) of said residential property and submit such written consent to the Village along with the required Application and Registration Form which Application must also be executed by the respective owner(s) of said residential property.
 - (ii) All owner(s) and occupant(s) of any property within the Village presently keeping or maintaining any backyard chickens are required to and shall secure the Village’s approval of their operation by submitting to the Village the required Application and Registration Form and permitting the Village’s inspection of their existing operation on or before October 1, 2020. Any existing operation is required to and shall be brought into compliance with this Section and all other applicable Village ordinances on or before October 1, 2020, and the Village reserves the right to inspect any existing operation at the sole cost and expense of the owner(s), occupant(s), and applicant(s).

- (iii) The owner(s), occupant(s), and applicant(s) are required to keep such Application and Registration Form current and up-to-date in terms of the information set forth on such form on file with the Village. If any information on said Application and Registration Form changes and/or becomes inaccurate, within thirty (30) days of such change, the owner(s), occupant(s) and applicant(s) shall be required to provide the Village with a properly completed and executed updated Application and Registration Form containing the current information.
 - (iv) Inspections of chicken coops and runs to ensure compliance with the applicable provisions of this Village Code shall be required in accordance with Subsection (C)(14) of this Section.
 - (v) The Village's approval of the allowing, permitting, keeping and/or maintaining of backyard chickens shall be specific to the applicant(s) and shall not be transferable to any other person(s) upon the conveyance and/or rental of the property in question to any other person(s).
 - (i) Sale of Eggs: The sale of eggs, whether produced by backyard chicken or otherwise, is prohibited on any residential property within the Village.
 - (j) Storage of Feed: Feed for backyard chickens shall be kept in rodent-proof containers inside a shed, garage, or other secure accessory building.
 - (k) Odors: Backyard chicken owners shall regularly remove chicken waste (feces, scraps, and bedding) from their coop and chicken run consistent with the operation of the required deep litter system. At no time shall the owner of backyard chicken allow odors from backyard chicken or backyard chicken waste to emanate to or adversely affect adjoining properties.
 - (l) Runoff: The Owner(s) of the property where backyard chickens and a chicken coop and fence are located shall use best management practices as recommended from time to time by the Lake County Stormwater Management Commission for erosion control to prevent any runoff of chicken waste from their property and the occurrence of any such runoff shall constitute a violation of this Section.
 - (m) Applicable Restrictions, Conditions, and/or Covenants of Subdivisions and/or Homeowners' Associations Are Not Affected: The provisions of this Section relative to the keeping and/or maintaining of backyard chickens shall not impair or abrogate any recorded covenants, conditions and restrictions related to chickens, ducks, and/or other fowl, or otherwise related to animals. A property owner may be required to provide written evidence of compliance that any proposed backyard chickens, any chicken coop, and any chicken run do not conflict with and are not inconsistent with any recorded and applicable restrictions, conditions, and/or covenants for the property which is the subject of an application for such use(s) and improvements.
- (C) Regulations Relative to Coops and Runs for Backyard Chickens:
- (1) Containment: Chickens are prohibited from running at large and shall be contained at all times in a coop with a fenced chicken run.
 - (2) No more than one (1) coop and no more than one (1) chicken run shall be permitted on any lot or parcel, and then only if it meets all of the other requirements of this Section.

- (3) Enclosed: All coops shall be enclosed.
- (4) Size: Coops shall provide a minimum of two (2) square feet per hen. Coops shall not exceed nine (9) feet in height measured from the ground level. Chicken runs shall meet or exceed the coop area and allow three (3) square feet per chicken.
- (5) Fencing: The maximum fenced area for any chicken run shall not exceed 300 square feet. Permanently installed fencing (i.e., affixed to or anchored in concrete posts) for backyard chicken runs shall require a fence permit and comply with all applicable fence regulations as set forth in this Village Code. Fences must include a predator apron.
- (6) Deep litter systems as defined in Paragraph A of this Section are required for managing chicken waste.
- (7) Village Building Permit(s) Required: Any chicken coop and any chicken run shall require a building permit issued by the Village prior to the commencement of the construction and/or alteration of any such coop or run.
- (8) Coops and Runs May Be Freestanding (i.e., not attached to the residence): Any coop and run for backyard chickens shall constitute accessory buildings but, notwithstanding the provisions of Section 10-6-8(B) of this Village Code, attachment of a coop and/or run to a residence shall not be required when such coop and run are otherwise in compliance with all other applicable provisions of this Section and of the other applicable provisions of the Zoning Regulations of the Village as set forth in this Village Code.
- (9) Electrical:
 - (a) The installation of AC (i.e., alternating current) electrical wiring, electrical lighting and/or electrical heating elements in any coop shall require a Village permit.
 - (b) The use of any extension cords in and/or for the operation of coops shall be and is hereby prohibited.
 - (c) A Village permit is not required for any electrical, lighting, or heating elements of a coop which are battery-powered.
- (10) Construction Materials: Coops and runs shall be constructed of uniform, weather-resistant material: ½ inch welded, galvanized hardware cloth (usually 19 gauge), or chicken wire, chain link, and/or rabbit wire and, except as noted in Subsection (C)(8) of this Section, shall be in compliance with all other applicable requirements for accessory buildings as set forth in this Village Code. Predator aprons are required on all coops and runs and ½ inch welded, galvanized hardware cloth, and not chicken wire, shall be used for this purpose.
- (11) Placement: Any coop or run hereafter constructed shall be in compliance with all front, rear and side yard setbacks as required by Title 10, “Zoning Regulations”, of this Village Code and shall be set back a minimum of thirty (30) feet from any property line and a minimum of 75 feet from any residence on any adjacent property.
- (12) Screening: Screening must be installed and/or constructed so as to effectively block adjacent neighbors’ views of coops and runs, which consists of landscaping and/or a berm, but any berm installed for such purpose shall require a separate Village permit.

- (13) Compliance Date: Except as otherwise expressly provided in Subsection (C)(11) hereof as to required setbacks for existing coops and runs, all chicken coops and runs existing as of the date of the adoption of this Section shall be brought into compliance with all applicable provisions of this Village Code, including the applicable Zoning Regulations of the Village which are part of this Village Code, on or before October 1, 2020.
- (14) Inspection(s) Required: All coops or runs shall be subject to inspection by any Village official, employee, or agent authorized by the Village President to ensure compliance with the regulations in this Section, and in any event, as a condition of maintaining backyard chickens and the related chicken coop and chicken run in compliance with this Section, the owner(s) of the property shall secure two (2) inspections each year by the Village to ensure compliance with this Section and the other applicable provisions of this Village Code, one of which shall occur during the first or second quarter of each year, and one of which shall occur in the third or fourth quarter of each year.

(Ord. 2019-12, passed 12-16-2019; Amd. Ord. 2020-04, passed 05-18-2020)

§8-3-11: PENALTIES:

Any person violating this Chapter shall be fined as follows:

- (A) Not less than \$100.00 and not more than \$750.00 for a first offense;
- (B) Not less than \$250.00 and not more than \$750.00 for a second offense;
- (C) Not less than \$500.00 and not more than \$750.00 for a third offense;
- (D) Not less than \$750.00 for a fourth and each subsequent offense thereafter.

Each day on which a violation of this Chapter occurs or continues shall be considered a separate offense.

(Ord. 2003-008, 5-19-2003; Amd. Ord. 2018-07, passed 08-20-18; Amd. Ord. 2019-12, passed 12-16-2019)