



City of Chicago



O2019-7576

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 9/18/2019

Sponsor(s): Lopez (15)
Napolitano (41)

Type: Ordinance

Title: Amendment of Municipal Code Titles 4 and 7 to regulate backyard livestock, roosters and urban farms

Committee(s) Assignment: Committee on License and Consumer Protection

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Section 7-12-020 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

7-12-020 Definitions.

As used in this chapter, the following are defined and shall be construed as hereinafter set out unless it shall be apparent from the context that a different meaning is intended:

(Omitted text is unaffected by this ordinance)

“Foster home” means a private or public facility that the Director has deemed suitable for the temporary care of animals, that accepts the transfer of one or more animals from the Department and cares for that animal until the Director effects the return of the animal to the Department or places it for adoption.

“Fowl” means any poultry or waterfowl, but does not include roosters.

“Guard dog” means any dog used primarily for the purpose of defending, patrolling, or protecting property or life at a commercial establishment other than a farm; provided that, “Guard dog” does not include stock dogs used primarily for handling and controlling livestock or farm animals; provided further, that “Guard dog” shall not include any dog that is the property of any local, state or federal government.

(Omitted text is unaffected by this ordinance)

“Licensed dog” means any dog four months of age or older for which the owner can produce proof of having paid the license fee for the current year.

“Livestock” means domesticated four-legged farm animals, including, but not limited to, swine, sheep, and goats.

“Microchip” means a passive electronic device that is injected into an animal by means of a prepackaged sterilized implanting device for purposes of identification or recovery.

(Omitted text is unaffected by this ordinance)

“Provocation” means that the threat, injury or damage caused by the animal was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the animal, or was tormenting, abusing, or assaulting the animal, or was committing or attempting to commit a crime.

“Rooster” means any live male bird of the subspecies Gallus gallus domesticas.

“Severe injury” means any physical injury that results in death; loss of soft tissue; a broken bone; hospitalization admittance; impairment of any bodily function; disfiguring laceration; laceration requiring sutures or cosmetic surgery; or lacerations or puncture wounds caused by more than one bite.

(Omitted text is unaffected by this ordinance)

SECTION 2. Chapter 7-12 of the Municipal Code of Chicago is hereby amended by adding a new Section 7-12-375, as follows:

7-12-375 Reserved. Restrictions on backyard livestock.

(a) No person shall keep livestock or fowl, or both, in any area designated as a residential district under the Chicago Zoning Ordinance without first having obtained a Livestock Permit from the Commissioner of Health.

(b) Any person seeking to keep livestock or fowl, or both, shall apply for a Livestock Permit from the Department of Health. The application shall be in a form prescribed by the Commissioner of Health and signed by the applicant, and shall attest to the following information:

(1) The applicant’s full name, residential address, telephone number, and e-mail address;

(2) The dimensions in square feet of the area where the animals will be kept;

(3) The number and species of livestock and fowl the applicant wishes to keep; and

(4) Any other information as may be reasonably required by the Commissioner of Health.

(c) A Livestock Permit shall be subject to the following conditions and limitations:

(1) A resident who lives in a restricted residential zone which prohibits residential livestock pursuant to Chapter 4-17 of this Code shall not be eligible for a Livestock Permit:

(2) The lot must contain a residential building that is either a single-family home or two-flat. The building must be the primary residence of the permit applicant:

(3) Livestock and fowl kept pursuant to a Livestock Permit may only produce eggs, milk, and milk-derived products to keep for personal consumption. On-site slaughter of animals is prohibited as provided in Section 7-12-300:

(4) A maximum of six (6) fowl and two (2) livestock may be kept, except as otherwise specifically permitted or prohibited under this Code:

(5) Animals may only be kept in the rear yard of the residence for which the Livestock Permit is sought. Such rear yard must be fenced and sized to provide not less than four (4) square feet per fowl, and not less than fifteen (15) square feet per livestock. The Commissioner of Health is authorized to mandate additional requirements in conjunction with the Executive Director of Chicago Animal Care and Control pursuant to subsection (h) of this Section, including minimum rear yard size and the construction of any accessory structures necessary for the health and safety of such animals or people: and

(6) Within five days of payment of the fee for a Livestock Permit, the applicant shall serve written notice by mail on all residents residing within 500 feet of the residence for which the permit is sought. The measurement of such area shall be made from the boundaries of the address listed in the application, to a radius of 500 feet away. The notice shall state the name of the applicant, the applicant's address, the type of permit sought by the applicant and the date on which the permit fee was paid. The notice shall also state that any objection to the granting of the permit sought shall be made to the Commissioner of Health, in writing, signed by the objector and delivered to the Commissioner of Health within 35 days after the date the permit fee was paid, as indicated on the notice, and shall set forth the specific grounds for the objection. The applicant shall also serve such written notice in the manner and within such time limits as herein provided, upon the alderman of the ward in which the residence described in the notice is located. If 51% or more of all residents residing within 500 feet of the residence described in the application affirmatively object to the granting of the permit, regardless of the grounds of objection, the permit shall not be granted.

(d) The term for a residential livestock permit shall be one year. The annual permit fee shall be \$25.

(e) The possession of livestock in violation of this Section shall constitute a public nuisance, which may be abated pursuant to Section 7-28-010. In addition to any fine or penalty, an amount equal to three times the cost or expense incurred by the City in

abating a nuisance may be recovered in an appropriate action instituted by the Corporation Counsel.

(f) Any person who violates any provision of this section shall be fined not less than \$100 nor more than \$500 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(g) The Department of Health, the Department of Police, and Chicago Animal Care and Control are authorized to inspect or to cause to be inspected any permitted premises and take action necessary for the effective enforcement of this Section.

(h) The Commissioner of Health and the Executive Director of Animal Care and Control are authorized to promulgate rules to administer and enforce this Section.

SECTION 3. Chapter 7-12 of the Municipal Code of Chicago is hereby amended by adding a new Section 7-12-385, as follows:

7-12-385 ~~Reserved.~~ Restrictions on roosters.

(a) It shall be unlawful for any person to import, sell, own, keep or otherwise possess any live rooster within any area designated as a residential district under the Chicago Zoning Ordinance. Nothing in this subsection prohibits any person from transporting a live rooster through a residential district, if the rooster is caged during transport and not released in a residential district.

(b) It shall be unlawful for any person to maintain any coop that is used for the storage, maintenance or sheltering of any live rooster within any area designated as a residence district under the Chicago Zoning Ordinance.

(c) Violation of any provision of this Section shall constitute a public nuisance, which may be abated pursuant to Section 7-28-010. In addition to any fine or penalty, an amount equal to three times the cost or expense incurred by the city in abating a nuisance may be recovered in an appropriate action instituted by the corporation counsel.

(d) Any person who violates any provision of this section shall be fined not less than \$100.00 nor more than \$500.00. Each day that a violation continues shall constitute a separate and distinct offense.

SECTION 4. Section 4-6-010 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

4-6-010 Regulated business licenses.

(a) A regulated business license shall be required for the business activities set forth in this chapter. A separate license shall be required for each separate business location.

(b) The terms defined in Section 4-4-005, as well as the general licensing provisions set forth in Chapter 4-4 shall apply to all Chapter 4-6 licenses.

(c) Business activities requiring a regulated business license under this chapter shall include the following: (1) health club; (2) clothing alteration; (3) laundry service; (4) residential real estate developer; (5) tattooing, body piercing or tanning facility; (6) day labor agency; (7) adult family care center; (8) assisted living establishment; (9) long-term care facility; (10) adult family care home; (11) automatic amusement operator; (12) private scavenger; (13) secondhand dealer in children's clothing and children's products only; (14) junk peddler; (15) debt collectors; (16) hospital; (17) hotel; (18) board-up company; (19) dry cleaner; (20) hazardous materials; (21) single-room occupancy buildings; (22) booting of motor vehicles; (23) immigration assistance; (24) expediter company; (25) expediter/natural person; (26) home occupation; (27) home repair; (28) bed-and-breakfast establishment; (29) vacation rentals; (30) pharmaceutical representatives; and (31) massage establishments and massage services; and (32) urban farm.

SECTION 5. Chapter 4-6 of the Municipal Code of Chicago is hereby amended by adding a new Article XXXIII (4-6-330 *et seq.*), as follows:

ARTICLE XXXIII URBAN FARM (4-6-330 *et seq.*)

4-6-330 Urban farm.

(a) Definitions. For the purposes of this Section, the following terms shall have the following meanings:

"Fowl" has the meaning ascribed to that term in Section 7-12-020.

"Livestock" has the meaning ascribed to that term in Section 7-12-020.

"Produce" means whole and uncooked agricultural, plant-based items, including, but not limited to, fruits, vegetables, legumes, edible grains, nuts, spices, herbs, and cut flowers.

"Residential livestock" means livestock and fowl kept at a residence for non-commercial use pursuant to Section 7-12-375.

"Urban farm" means an area of land and its buildings located within the geographical boundaries of the City used for the commercial production of produce or the

commercial production of eggs, milk, and milk-derived products, or both, and that meets the requirements of Sections 17-9-0103.3 and 17-17-0104-H.

(b) Exemptions. This section shall not apply to (1) persons growing produce at their residence for non-commercial use; or (2) residential livestock; or (3) community gardens that meet the description and requirements in Sections 17-9-0103.5 and 17-17-0103-F of this Code.

(c) Application – Additional information required. In addition to the requirements set forth in Section 4-4-050, an application for, or renewal of, a regulated business license to engage in the business of an urban farm shall be accompanied by the following information:

(1) The street number and location of the premises for which the license is sought;

(2) The dimensions in square feet of the premises to be used in the business of an urban farm;

(3) A description of any buildings or accessory structures located on the premises;

(4) The number and species of livestock to be kept on the premises;

(5) A description of the produce to be grown on the premises; and

(6) Any other information that the Commissioner may reasonably require.

(d) License issuance and renewal – Prohibited when. No regulated business license to engage in the business of an urban farm shall be issued if:

(1) the urban farm, as indicated by the address identified in the license application, is located within a restricted residential zone pursuant to Chapter 4-17 of this Code; or

(2) the applicant has had an urban farm license revoked for cause within the past three years.

(e) Departmental duties.

(1) Before issuing a regulated business license to engage in the business of an urban farm, the Commissioner of Business Affairs and Consumer Protection shall consult with the Commissioner of Health and notify the alderman of the affected ward upon receipt by the Department of any application for a regulated business license to engage in the business of an urban farm;

(2) The Commissioner of Business Affairs and Consumer Protection shall have the authority to order an urban farm to cease and desist operations should the urban farm pose a danger to the health and safety of animals or the public; and

(3) The Department of Business Affairs and Consumer Protection, the Department of Buildings, the Fire Department, the Department of Health, and Chicago Animal Care and Control have the authority to inspect or to cause to be inspected any urban farm licensed or required to be licensed under this Chapter for compliance with the requirements of this Code.

(f) Prohibited acts. It shall be unlawful for any licensee engaged in the business of an urban farm to:

(1) Keep livestock or fowl, or both, for the purposes of slaughter unless separately licensed as a slaughtering, rendering, and packing establishment or slaughterhouse as defined in Section 4-8-010 and Article V of Chapter 7-38 of this Code.

(2) Engage in the business of a wholesale food establishment or of a produce merchant as described in Chapter 4-8 without first having obtained a separate license pursuant to the requirements in Chapter 4-8 of this Code.

(g) Penalty. In addition to any other penalty provided by law, any person violating any provision of this section or any rule promulgated thereunder shall be fined not less than \$300.00 nor more than \$500.00 for each offense. Every day such violation continues shall constitute a separate and distinct offense.

SECTION 6. Section 4-17-010 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-17-010 Definitions.

As used in this Chapter:

(Omitted text is unaffected by this ordinance)

“Residential livestock” has the meaning ascribed to that term in Section 4-6-330.

“Residentially zoned property” means property that bears an RS-1, RS-2 or RS-3 designation pursuant to the Chicago Zoning Ordinance.

“Restricted residential zone” means a precinct within which, in any combination: (1) all new or additional shared housing units or vacation rentals, or both, have been ordained as ineligible for licensing or registration under Chapter 4-14 or Section 4-6-300 of this Code; or (2) all new or additional shared housing units or vacation rentals, or both, that are

not their owner's primary residence have been ordained as ineligible for licensing or registration under Chapter 4-14 or Section 4-6-300 of this Code; or (3) all new or additional residential livestock, or both, have been ordained as ineligible for permitting under Section 7-12-375 of this Code; or (4) all new or additional urban farms, or both, have been ordained as ineligible for permitting under Section 4-6-330 of this Code.

"Shared housing unit(s)" has the meaning ascribed to that term in Section 4-14-010.

"Short term residential rental advertising platform" has the meaning ascribed to that term in Section 4-13-100.

"Short term residential rental intermediary" has the meaning ascribed to that term in Section 4-13-100.

"Short term residential rental provider" has the meaning ascribed to that term in Section 4-13-100.

"Urban farm(s)" has the meaning ascribed to that term in Section 4-6-330.

"Vacation rental(s)" has the meaning ascribed to that term in Section 4-6-300.

SECTION 7. Section 4-17-020 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

4-17-020 Restricted residential zone – Petition authorized.

The legal voters of any precinct within the City that contains residentially zoned property may petition their local alderman, using a Petition form made available online by the City Clerk, to introduce an ordinance establishing that precinct as a restricted residential zone. Such Petition shall specify whether it seeks an ordinance to prohibit within the precinct, and in what combination: (1) all new or additional shared housing units or vacation rentals, or both; or (2) all new or additional shared housing units or vacation rentals, or both, that are not their owner's primary residence; or (3) all new or additional residential livestock, or both; or (4) all new or additional urban farms, or both. Upon receiving a Petition containing the signatures of at least 25% of the registered voters of the precinct, and concluding that the Petition is legally sufficient following the posting and review process in Section 4-17-030, the City Clerk shall notify the local alderman of the ward in which the precinct is located. Upon being notified, that alderman, following an assessment of relevant factors within the precinct, including its geography, density and character, the prevalence of residentially zoned property, current shared housing units, ~~and vacation rentals, residential livestock, and urban farms~~ in the precinct, and the prevailing viewpoint with regard to the issue raised in the Petition, may introduce an ordinance creating a restricted residential zone in that precinct, in accordance with Section 4-17-040.

SECTION 8. Section 4-17-040 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-17-040 Ordinance establishing a restricted residential zone.

An ordinance introduced pursuant to Section 4-17-020 to establish a restricted residential zone shall:

- (a) identify the applicable precinct boundaries as of the date of the Petition; and
- (b) state whether the ordinance prohibits, and in what combination, the issuance of (1) all new or additional shared housing units or vacation rentals, or both; or (2) all new or additional shared housing units or vacation rentals, or both, that are not their owner's primary residence; or (3) all new or additional residential livestock, or both; or (4) all new or additional urban farms, or both.
- (c) apply to all such residentially zoned property within that precinct; and
- (d) be in effect for four years following the effective date of such ordinance, unless repealed earlier pursuant to Section 4-17-050; and
- (e) once in effect, be subject to renewal by ordinance at the expiration of the four year period without the need for another supporting Petition.

SECTION 9. Section 4-17-070 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

4-17-070 Lawfully established uses - Permitted.

- (a) If a shared housing unit or vacation rental that is located within a restricted residential zone was registered with or licensed by the City under Chapter 4-16 ~~of this Code~~ or Section 4-6-300 as of the effective date of the ordinance establishing such zone, such shared housing unit or vacation rental shall be deemed to be lawfully established and, notwithstanding any ordinance under this Chapter to the contrary, may be listed on a short term residential rental intermediary's platform or short term residential rental advertising platform or rented in conformity with Chapter 4-16 or Section 4-6-300, as applicable, until such time that the applicable registration or license is allowed to expire, as evidenced by non-renewal of the registration or license, or ownership or tenancy of the shared housing unit or vacation rental, as applicable, is transferred to another person. The burden of proof shall be on the short term residential rental provider to establish that the shared housing unit or vacation rental was properly registered with or licensed by the ~~city~~ City as of the effective date of the ordinance establishing the restricted residential zone.

(b) If residential livestock or an urban farm that is located within a restricted residential zone was permitted or licensed by the City under Section 7-12-375 or Section 4-6-330 as of the effective date of the ordinance establishing such zone, such residential livestock or urban farm shall be deemed to be lawfully held or established, until such time that the applicable permit or license is allowed to expire, as evidenced by non-renewal of the permit or license, or ownership or tenancy of the residence or urban farm, as applicable, is transferred to another person. The burden of proof shall be on the permit holder or licensee to establish that the residential livestock or urban farm was properly permitted or licensed by the City as of the effective date of the ordinance establishing the restricted residential zone.

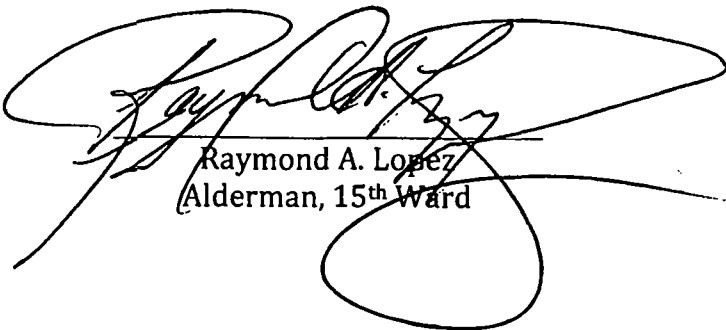
SECTION 10. Section 4-17-080 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

4-17-080 Construction of chapter.

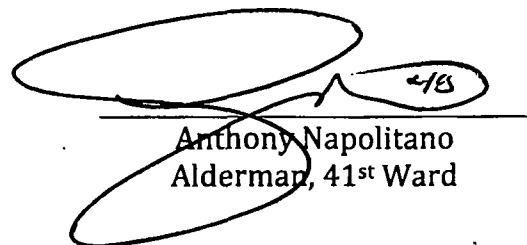
This Chapter sets forth the exclusive process governing the restriction by geographic area of shared housing units, ~~or~~ vacation rentals, residential livestock, and urban farms that would otherwise be permitted by the Code.

SECTION 11. Section 7-12-387 of the Municipal Code of Chicago is hereby repealed in its entirety.

SECTION 12. This ordinance shall be in full force and effect 6 months following passage and publication.



Raymond A. Lopez
Alderman, 15th Ward



Anthony Napolitano
Alderman, 41st Ward