

From: [Bryon Vana](#)
To: [Maria Gonzalez](#)
Subject: FW: Council meeting - chickens
Date: Monday, October 05, 2020 1:17:09 PM
Attachments: [darienil-il-1 \(1\).docx](#)

Maria

Pls add this email and backup to web site as additional docs for tonight's meeting

Bryon D. Vana

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City Administrator -City of Darien, Office phone – 630-353-8114

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From: Bryon Vana

Sent: Monday, October 05, 2020 1:16 PM

To: Joe Marchese <jmarchese@darienil.gov>; Ted schauer <tschauer@darienil.gov>; Lester Vaughan <lvaughan@darienil.gov>; Joseph Kenny <jkenny@darienil.gov>; Thomas Chlystek <TChlystek@darienil.gov>; Mary Sullivan <MSullivan@darienil.gov>; Eric Gustafson <egustafson@darienil.gov>; Tom Belczak <tblczak@darienil.gov>; Michael J. Coren <mjcoren@darienil.gov>; JoAnne E. Ragona <jragona@darienil.gov>

Cc: Dan Gombac <dgombac@darienil.gov>

Subject: RE: Council meeting - chickens

(Please note I copied the City Council on this email. In order to avoid Illinois Open Meetings Act potential conflicts the Council should not respond collectively to this email. Elected Officials can email me separately and also bring up comments collectively at tonight's Council meeting)

Mayor Marchese and the City Council

As staff was reviewing for the meeting tonight we identified a Darien ordinance adopted in 1974 (attached) that regulates dangerous animals. The definition in the existing ordinance defines dangerous animal and includes **fowl**, see below.

8-4-1: DEFINITION:

*"Dangerous animal" means any wild animal including, but not limited to, wild mammal, reptile, **fowl**, insect or arachnid which is not naturally tame or gentle, but is of a wild nature*

or disposition and which, because of its size, vicious nature, unpleasant odor, poisonous venom or other characteristics of the same nature, could constitute a danger to human life, health or property. (Ord. 0-14-74, 8-5-1974)

We have been discussing this issue under the premise that chickens are permitted since our code was silent on chickens and we did not have an ordinance prohibiting them, which was not correct. The existing ordinance should not impact discussion at tonight's meeting since we have already determined chickens are permitted.

We can clarify any questions at tonight's meeting.

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CHAPTER 4
DANGEROUS ANIMALS

SECTION:

8-4-1: Definition

8-4-2: Permit Required; Fees

8-4-3: Issuance Of Permit

8-4-4: Investigations

8-4-5: Limitations

8-4-6: Fines

8-4-1: DEFINITION:

"Dangerous animal" means any wild animal including, but not limited to, wild mammal, reptile, **fowl**, insect or arachnid which is not naturally tame or gentle, but is of a wild nature or disposition and which, because of its size, vicious nature, unpleasant odor, poisonous venom or other characteristics of the same nature, could constitute a danger to human life, health or property. (Ord. 0-14-74, 8-5-1974)

8-4-2: PERMIT REQUIRED; FEES:

It shall be unlawful for any person to keep or maintain within the City any dangerous animal unless a special, annual permit therefor is first obtained from the office of the City Clerk. Such permit shall be in effect from May 1 to April 30.

No permit for the keeping of dangerous animals shall be issued unless all the provisions of this Chapter are complied with and a fee of ten dollars (\$10.00) is paid to the City Clerk for each dangerous animal kept or maintained. Permit fees shall be paid annually on or before the start of the license year. (Ord. 0-14-74, 8-5-1974)

8-4-3: ISSUANCE OF PERMIT:

The City Clerk shall issue such special permit for the keeping or maintenance of a dangerous animal if it is found:

(A) That the dangerous animal is at all times kept or maintained in a safe manner and that it is at all times confined securely so that the keeping of such dangerous animal will not constitute a danger to human life, health or property.

(B) That adequate safeguards are made to prevent unauthorized access to such dangerous animal by members of the public.

(C) That the health or well being of the dangerous animal is not in any way endangered by the manner of keeping or confinement.

(D) That the keeping of such dangerous animal does not constitute a nuisance and will not harm the surrounding neighborhood or disturb the peace and quiet of the surrounding neighborhood.

(E) That the keeping of such dangerous animal will not create or cause offensive odors or constitute a danger to public health.

(F) That the applicant for such special permit files with the City Clerk, if deemed necessary by the Clerk, a copy of liability insurance in the amount of one hundred thousand dollars (\$100,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any other person which may result from the ownership, keeping or maintenance of such dangerous animal. Such certificate of insurance shall provide that no cancellation of the insurance will be made unless ten (10) days' written notice is first given to the City Clerk.

(G) That the applicant execute an agreement to reimburse and hold harmless the City from any costs of or claims against the City that may be incurred in the event of the escape of such dangerous animal.

(H) That the name, address and telephone number of the veterinary doctor to be called in the event that the dangerous animal escapes or requires medical attention, be given to the City Clerk. (Ord. 0-14-74, 8-5-1974)

8-4-4: INVESTIGATIONS:

The City Clerk or a person designated by said Clerk, in the conduct of an investigation for a special permit is authorized to consult with any recognized authority for information and advice concerning the keeping of dangerous animals and, further, that by making of an application, the applicant gives permission for the City Clerk or designated representative to enter upon the property of the applicant during normal business hours to inspect the facility in which a dangerous animal is to be kept or maintained and for such purposes as are provided in this Chapter; further, that the applicant agrees to such inspection prior to any renewal of such annual permit and at least once during each six (6) months of the period for which the permit is issued. (Ord. 0-14-74, 8-5-1974)

8-4-5: LIMITATIONS:

In no event shall permits be issued for the keeping of more than two (2) dangerous animals at any single location, except by Council approval. (Ord. 0-14-74, 8-5-1974)

8-4-6: FINES:

Any person who keeps or maintains a "dangerous animal", as defined in this Chapter, and who fails to obtain a permit for same shall be guilty of a misdemeanor and fined not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each violation. A separate offense shall be considered for each day such person shall keep and maintain a dangerous animal, having been notified by the City Clerk or any member of the Police Department that a violation exists. (Ord. 0-14-74, 8-5-1974)