

CITY OF CEDARBURG

ORDINANCE NO. 2017-04

SEC. 7-1-26 KEEPING OF DOMESTICATED CHICKENS

**An Ordinance Creating Section 7-1-26
Of the City of Cedarburg Code of Ordinances**

WHEREAS, the City desires to provide for the health, safety, and well-being of its residents, to ensure and maintain property conditions and values, and to provide a domestic and sustainable source of nourishing food through limited chicken egg production in a residential environment respecting its urban surroundings and rural origins;

THEREFORE, the Common Council of the City of Cedarburg, Wisconsin do ordain as follows:

That a new section be created in the City of Cedarburg Code of Ordinances as follows:

SEC. 7-1-26 KEEPING OF DOMESTICATED CHICKENS

(a) Purpose. The purpose of this section is to establish conditions under which small-scale keeping of domestic chickens for personal use and enjoyment may be permitted on lots zoned for single-family residential use.

(b) Definitions. In this section:

- (1) "Abutting property" means all real property that in any way shares a boundary with the real property of the applicant or permittee
- (2) "Chicken" means a female hen (*Gallus domesticus*) of any age, including chicks. "Chicken" should be interpreted to encompass the singular and the plural.
- (3) "Coop" means an enclosed structure in which a chicken roosts or is housed
- (4) "Rear yard" has the meaning set forth in Section 13-1-240(b)(123), as amended, of this Code.
- (5) "Side yard" has the meaning set forth in Section 13-1-240(b)(131), as amended, of this Code.
- (6) "Street yard" has the meaning set forth in Section 13-1-240(b)(140), as amended, of this Code.

(c) Permit and Compliance With Section Required.

- (1) No owner of real property shall keep or allow to be kept a live chicken within the City without a valid permit issued under this section.
- (2) No occupant of real property shall keep or allow to be kept a live chicken within the City unless the occupant holds a valid permit issued under this section or the owner of the real property holds a valid permit issued under this section.
- (3) No owner or occupant of real property shall keep a live chicken within the City contrary to the terms of this section or contrary to the terms of any permit issued under this section.
- (4) Nothing in this Section shall be interpreted to invalidate deed restrictions or other real property restrictions or covenants that may prohibit the keeping of chickens within local areas or subdivisions within the City.

(d) Procedure Governing Permits.

- (1) To apply for a permit under this section, the applicant must complete and submit the following to the Building Inspector:
 - (i) An application form signed by all owners of record. If an owner of record is a trust or business entity, the application form shall be signed by the trustee, a corporate officer, or member or manager of a limited liability entity. If the applicant is a tenant or occupant of the premises, the application form must be signed by the applicant and be countersigned by all owners of record as evidence of the owner's consent to the tenant or occupant obtaining a permit.
 - (ii) The registration number of the applicant's completed Livestock Premises Registration with the Wisconsin Department of Agriculture, Trade, and Consumer Protection;
 - (iii) A non-refundable application fee of \$50 and annual renewal fee in the amount of \$25;
 - (iv) A site plan showing the location of all structures located on the applicant's real property, the location of all structures located on all abutting property, the coop design, and the site of the proposed coop.
- (2) Each permit shall pertain to a single parcel of real property as set forth in the property tax records of the City.
- (3) A permit shall be issued only for a parcel which is zoned for single-family residential use. No permit shall be issued for any parcel which contains a condominium, duplex, or any type of multi-family residential use.
- (4) Each permit shall allow the keeping of no more than four (4) chickens in strict compliance with the conditions set forth in subsection (e).

- (5) A permit shall not be transferable in any way.
- (6) The permit year commences on January 1 and end on December 31 of each calendar year. Permits applied for after January 1 of a year will expire on December 31 of that year; permit fees shall not be pro-rated.
- (7) If there are no changes to be made to the information submitted in the original application, a permittee shall renew the permit annually by paying the renewal fee. If the permittee wishes to make changes, the permittee shall submit a new full application.

(e) Conditions for Keeping Chickens. The following conditions shall apply to each permit issued under this section:

1. No roosters or other crowing fowl are permitted.
2. Noise from chickens shall not be so loud as to disturb a person of ordinary sensitivity.
3. No chicken may be kept within a principal residence.
4. Chickens shall be kept as pets and for personal use only. No owner shall sell or barter eggs or engage in chicken breeding or fertilizer production for commercial purposes;
5. Chickens shall be housed in a coop. A coop shall be no less than three (3) cubic feet of space per chicken and must be connected to a secured and fully ventilated pen (also required) which contains not less than seven cubic feet of space per chicken and an appropriately sized nesting box (also required) at a rate of not less than one box per two birds. Pens shall be properly sized as will permit full spread of the kept bird's wingspan and allow each chicken to walk and run. An existing garage, shed, or small structure may serve as a coop if compliant with the remaining terms and conditions of this Section.
6. In the event that the coop is properly screened from view from the street, and if necessary to accommodate the existing structures or historic nature of a property, a chicken coop may be allowed in the side yard or street yard. In all other cases, no person shall keep a chicken in any location on the property other than the rear yard.
7. All coops, pens, nesting boxes, and any other structure or enclosure associated with the keeping of chickens must be located at least 40 feet from a neighboring residential structure, not including a detached garage, at least ten (10) feet from a side or rear property line and at least ten (10) feet from the residence on the property where the chickens, or other similar domesticated fowl, are kept.
8. Coops and pens shall not be located closer than 75 feet from the ordinary high water mark of a lake, stream, creek or river.
9. Upon death of a chicken, the permittee must promptly dispose of the chicken in a sanitary manner;
10. The onsite slaughtering of chickens is prohibited;
11. Chickens shall be kept and handled in a sanitary manner.
12. Chickens must be kept in a coop and pen when not being monitored by a responsible individual. When allowed to roam free, chickens must be

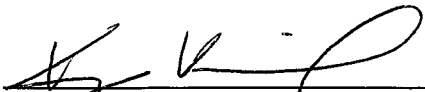
- monitored and within a fenced enclosure. Chickens shall be secured in the coop during non-daylight hours;
13. The coop and pen system shall be properly designed, laid-out and maintained as will provide safe and healthy living conditions for chickens while minimizing adverse impacts on the neighborhood through use of material, colors, architecture and special site design that are complimentary to the existing buildings on the premise and in the surrounding area. The City Building Inspector shall have sole discretion for coop design and location.
 14. All coops must be clean, dry and kept in a neat and sanitary condition at all times.
 15. The coop shall be enclosed on all sides and have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird-proof wire or fencing of no more than one-inch openings.
 16. All enclosures must provide adequate ventilation as well as sun protection, and be sanitary, insulated, weatherproofed and impermeable to rodents, wild birds and predators, including dogs and cats. These enclosures must also be sound and moisture-proof and maintained in good repair with sufficient space for freedom of movement and retention of body heat with elevated perches for natural roosting position. The nesting boxes must be elevated off the ground;
 17. Provisions must be made for the routine removal and lawful disposal of chicken waste in order to prevent any adverse effects related to odor or unsanitary conditions;
 18. Chickens shall not be turned loose or taken to the local humane society when no longer wanted.
 19. In addition to compliance with the requirements of this section, no one shall keep a chicken that causes any nuisance, unhealthy condition, creates a public health threat, or otherwise interferes with the normal use of property and the enjoyment of life by humans or other animals.

(f) Inspection and Orders. The City shall have the power, whenever it may deem reasonably necessary, to enter a structure or property where a chicken is kept to ascertain whether the permittee is in compliance with this Section. The permittee shall be responsible for all costs associated with inspections. In addition to all other remedies available to the City, the Building Inspector may issue orders requiring compliance with the provisions of this Section.

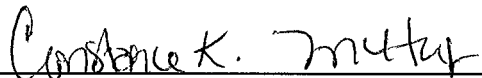
(g) Permit Revocation. In addition to all other remedies available to the City, the City shall revoke a permit issued under this section in the event that the Building Inspector has issued two or more violations of this Section to a permittee. Once a permit is revoked, it shall not be reissued.

This ordinance shall take effect upon passage and posting.

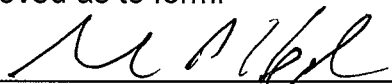
Passed and adopted this 27th day of March 2017.


Kip Kinzel, Mayor

ATTEST:


Constance K. McHugh, City Clerk

Approved as to form:


Michael P. Herbrand, City Attorney