

# **ORDINANCE NO. 2475**

## **AN ORDINANCE CREATING CH. 4, ARTICLE IV TO IMPLEMENT A PERMITTING PROCESS FOR THE KEEPING OF CHICKENS**

**NOW, THEREFORE**, the City of Cudahy, Wisconsin, Common Council does hereby ordain the following:

**Section 1.** Ch. 4, Article IV, of the Cudahy, Wisconsin Municipal Code is hereby created:

### **ARTICLE IV. – KEEPING CHICKENS IN CITY**

#### **Sec. 4-100. – Permit Required.**

No person shall keep chickens in the city without obtaining a valid permit issued by the inspection department representative. The permit process requires a completed application and proof of livestock premises registration with the Wisconsin Department of Agriculture, Trade and Consumer Protection, accompanied with a fee itemized in the city fee schedule. An electrical inspection and fee are also required. The permit application is subject to neighborhood notification and approval and compliance with health and zoning codes, to include but not limited to Chapter 44, Article V. – ACCESSORY USES.

For purposes of this Article, the word “chicken,” whether used in the singular or the plural, refers to females of the subspecies *Gallus gallus domesticus*.

#### **Sec. 4-101. – Neighborhood Approval Requirement Procedure.**

Before a permit is issued for the keeping of chickens, the following process shall be followed:

- (a) Once a permit is applied for, the property owner, if someone other than the applicant, and owners of all directly or diagonally abutting properties, including those across an alley, shall be notified by the inspection department. This shall be done via first-class U.S. mail.
- (b) Property owners shall have 14 working days to file a written objection and request for a hearing to the rules, laws and licensing committee if they object to the granting of a permit.
- (c) If a timely written objection and request for a hearing has been submitted to the inspection department, the rules, laws and licensing committee shall hold a hearing within 14 days.
- (d) Within 10 days of completion of the hearing conducted pursuant to sub. (c), the rules, laws, and licensing shall mail to the objector and permit applicant its specific written determination on the granting or denial of the permit.
- (e) A hearing decision by the rules, laws and licensing committee may be appealed by either party to the common council within ten days of the notice date through written notice of appeal filed with the city clerk/treasurer.
- (f) Wis. Stats. Ch. 68 shall not apply to such any hearing contained within this section nor shall any other provision of state law or city ordinance to the contrary. The appellate

procedure set forth herein shall govern and be exclusive.

**Sec. 4-102. – Keeping of Chickens Allowed.**

The keeping of up to two (2) chickens is allowed per residential lot, provided the following:

- (a) Chickens shall be permitted on lots where the principal structure is a detached single-family residence.
- (b) If the residence is not owner-occupied the tenant shall supply the owner's written consent to the keeping of chickens on the property to the City.
- (c) No person shall keep any rooster.
- (d) No person shall slaughter any chicken or chickens.
- (e) Chickens shall be provided with fresh water at all times and adequate amounts of feed.
- (f) No feed shall be on the ground.
- (g) No feces shall be on the ground.
- (h) Chickens shall be provided with a sanitary and adequately-sized covered enclosure, or coop, and shall be kept in the coop at all times.
- (i) The coop shall be a stand-alone structure located in the rear yard at least 25 feet from all property lines and at least 10 feet from the principal structure.
- (j) No coop shall be located closer than 25 feet to any residential structure on an adjacent lot.
- (k) The coop shall not exceed 64 square feet in an area nor 10 feet in height.
- (l) Chicken coops shall be constructed in a workmanlike manner, be moisture-resistant and either raised up off the ground or placed on a hard surface such as concrete, patio block or gravel.
- (m) Chicken coops and yards shall be constructed and maintained to reasonably prevent the collection of standing water, and shall be cleaned of hen droppings, uneaten feed, feathers and other waste daily and as is necessary to ensure that the coop and yard do not become a health, odor or other nuisance.
- (n) No coop shall be located in the front yard of a dwelling.
- (o) Chickens must be provided with adequate heat.
- (p) An electrical inspection shall be required.
- (q) Chickens shall not be permitted in any other structure on the lot, including garages, basements and attics.
- (r) In addition to compliance with the requirements of this section, no one shall keep chickens that cause any nuisance, unhealthy condition, create a public health threat or otherwise interfere with the normal use of property or enjoyment of life by humans or animals.

**Sec. 4-103. – Public Health Requirements.**

- (a) Chickens shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds or to humans.
- (b) Any person keeping chickens shall immediately report any unusual illness or death of chickens to the health department.
- (c) The health department may order testing, quarantine, isolation, vaccination or humane euthanasia of ill chickens or chickens believed to be a carrier of a communicable disease.

- (d) Proof of livestock premises registration with the Wisconsin Department of Agriculture, Trade and Consumer Protection shall be provided to the inspection department for every issuance or renewal of said license.

**Sec. 4-104. - Permit Revocation.**

A permit is subject to revocation upon failure to comply with any provision of this article. The City shall revoke the license if more than two substantiated violations of the City of Cudahy Code are received by the City within a twelve-month period. Once a permit is revoked, a permit shall not be reissued for a two-year period.

**Section 2.** All ordinances or parts of ordinance contravening the provisions of this ordinance are hereby repealed.

**Section 3.** If any part or parts of this ordinance are invalid, it shall not invalidate the entire ordinance.

**Section 4.** This Ordinance shall take effect upon passage and publication as provided by law, and the City Clerk shall so amend the Cudahy Municipal Code, and shall indicate the date and number of this amending ordinance therein.

Introduced by the Rules, Laws and Licensing Committee.

**PASSED AND ADOPTED** by the Common Council of the City of Cudahy on this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
**JOHN HOHENFELDT**, Mayor

Attest:

\_\_\_\_\_  
**DENNIS BRODERICK**, City Clerk

ADOPTED: \_\_\_\_\_  
APPROVED: \_\_\_\_\_  
PUBLISHED: \_\_\_\_\_

Prepared By: **PAUL T. EBERHARDY** City Attorney  
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