



IMPORTANT NOTICE: A \$25 FILING FEE MUST ACCOMPANY THIS APPEAL, WITHIN THE DEADLINE REFERENCED BY THE BILL.

Checks should be made payable to: City of Milwaukee and a copy of the bill should be included with your appeal

IMPORTANT NOTICE FOR CUSTOMERS PAYING BY CHECK

When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account, or to process the payment as a check transaction.

IF THE CHARGES HAVE ALREADY APPEARED ON YOUR TAX BILL, THIS APPEAL CANNOT BE FILED.

TO: Administrative Review Board of Appeals
City Hall, Rm. 205
200 E. Wells St.
Milwaukee, WI 53202
(414) 286-2231

DATE: AUG 9, 2023

RE: 3054 N. FARWELL AVE 53211
(Address of property in question)

Under ch. 68, Wis. Stats., s. 320-11 of the Milwaukee Code of Ordinances, this is a written petition for appeal and hearing.

I am appealing the administrative procedure followed by DEPT OF NEIGHBORHOOD SERVICES
(Name of City Department)

Amount of the charges \$ N/A

Charge relative to: ORDER TO REMOVE ROOSTER

I feel the City's procedure was improper due to the following reasons and I have attached any supporting evidence, including city employee's names/dates which I spoke to regarding this issue and copies of any city orders received:

I was instructed to appeal an "order to remove a rooster" to the DNS Standards and Appeals Commission. I submitted my appeal and was scheduled for an appeal hearing on August 17. After that I was informed that this issue should be appealed to the ARBA. My appeal is attached, along with supporting information and signatures from the neighborhood indicating their support to keep the rooster.

Signature 

THOMAS J. PENN
Name (please print)

3054 N. Farwell Ave 53211
Mailing address and zip code

414-559-1688
Daytime phone number

tjpenn@mac.com
E-Mail Address(es)

CITY CLERK'S OFFICE
2023 AUG 18 AM 8:17
CITY OF MILWAUKEE



DEPARTMENT OF
**NEIGHBORHOOD
SERVICES**

**Standards and Appeals Commission
Application & Notice of Appeal**

To: Standards and Appeals Commission
c/o Dept. of Neighborhood Services
841 N Broadway, Room 104
Milwaukee, WI 53202

Administration Section
841 N. Broadway, Room 104, Milwaukee, WI 53202 (414) 286-2543 milwaukee.gov/sac kmadis@milwaukee.gov

Name of Appellant (Person Appealing) Thomas J. Penn	Date of Appeal July 14, 2023
Email tjpenn@mac.com	Phone No. 414-559-1688
Home or Business Address 3054 N. Farwell Ave.	Record Number ORD 23-07614
City Milwaukee	State WI Zip 53211

Owner of Premises (May be the same as appellant) Thomas J. Penn	
Email tjpenn@mac.com	Phone No. 414-559-1688
Home or Business Address 3054 N. Farwell Ave.	
City Milwaukee	State WI Zip 53211

SUBJECT OF APPEAL

Address of Premises Affected 3054 N. Farwell Ave. Milwaukee 53211
Sections of the City of Milwaukee Building Code to Be Appealed: Requesting a temporary variance to be granted to 78-6.5.3 (a): No person shall keep any rooster.

ADDITIONAL REQUIREMENTS

1. A letter with written statement of facts, hardship, or the grounds on which this appeal is based must be attached.
2. Supporting data which could include: pictures, plans (construction or floor) and/or a current property survey.

PLEASE NOTE:

- This notice of appeal will not be accepted for hearing unless the above information has been submitted and the appeal fee has been paid to the City of Milwaukee.
- The appellant is **required** to appear at the hearing to give an oral statement outlining the facts and the undue hardship involved.
- Regular Appeal Fee: **\$101.60** (\$100 plus a 1.6% IT & Training Surcharge)
- Raze Order Appeal Fee: **\$304.80** (\$300 plus a 1.6% IT & Training Surcharge)



Department of Neighborhood Services
 Enforcement Section
 841 N. Broadway
 Milwaukee, WI 53202

Inspection Date
 06/26/2023
 ORD-23-07614

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

THOMAS J PENN
 3054 N FARWELL AVE
 MILWAUKEE WI 53211

Re: 3054 N FARWELL AV

Taxkey #: 316-1648-000

A recent inspection of the premises at the above address revealed conditions that violate the Milwaukee Code of Ordinances. You are hereby ordered to correct each violation listed below by date indicated.

Correct By Date: 07/10/2023

- 1) 78-6.5.3 The keeping of up to 4 chickens, with a permit, is allowed on a residential premise, provided the following:
 - a. No person shall keep any rooster.

You are hereby ordered to remove your rooster from the City.

For any additional information, please phone Inspector David Markwardt at 414-286-3570 or DMARKW@milwaukee.gov between the hours of 8:00 a.m. to 10:00 a.m. Monday through Friday.

Violations can also be viewed on our website at www.milwaukee.gov/lms.

Per Commissioner of Neighborhood Services By -
David Markwardt
 Inspector

Recipients:

FARWELL REAL ESTATE LLC, ATTN: CASSANDRA ZOSUL S4362 FOX HILL CIR, BARABOO, WI 53913
 CASSANDRA ZOSUL, S4362 FOX HILL CIR, BARABOO, WI 53913
 THOMAS J PENN, 3054 N FARWELL AVE, MILWAUKEE, WI 53211

FAILURE TO COMPLY

Failure to correct the violations noted herein within the time set, or failure to comply with the order as modified by an appellat board and maintain compliance, may subject you to prosecution and to daily penalties of \$150.00 to \$10,000 in the manner provided in Section 200-19.

Also, any infraction of this order may result in a citation under Section 200-12-5 of the Milwaukee Code of Ordinances Volume II.

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

Appeal for Order to Correct Condition ORD-23-07614

Appellant: Thomas J. Penn
3054 N. Farwell Ave.
Milwaukee, WI 53211

Code: Milwaukee Code of Ordinances 78-6.5.3 (a): No person shall keep any rooster.

Requested action: Allow a variance to keep the rooster by reason of substantial benefit to the neighborhood.

Background/Statement of Facts/Grounds for Appeal:

The subject rooster is known as "Big Red". See Exhibit A.

Our chickens were hatched beginning on May 15th, 2020, in the teeth of the COVID-19 pandemic, as a virtual teaching project for MPS students at Lloyd Barbee Montessori school grades 1/2/3. We applied for and received a permit to keep chickens (Permit #CHK-20-00023).

We hatched more than the allowed four hens, so we returned the roosters and remaining hens to their farm of origin. At that point it was unclear whether Big Red (the first-hatched, then known as "Goldie") was a rooster or a hen, so we kept "her" hoping she was a hen. As time progressed we realized that Big Red was a boy.

With the entire neighborhood in lockdown, the chicken coop became a neighborhood place of "gathering", or of visiting, as people took walks with their children, as there was nothing else to do. As the pandemic has faded Big Red is still a local celebrity, with people coming from blocks around to see him and the hens. Young children and UWM students alike crow when they walk by the house. We get comments like "it makes the neighborhood feel alive".

I placed a petition outside to gauge the support of the neighbors to keep the rooster. I did not go door-to-door or actively solicit signatures, they came from people as they stopped by to visit. Over the last week we have received over 60 signatures in support of keeping Big Red (not including most of the children for privacy reasons), with zero signatures against. The petition with signatures is attached as Exhibit B.

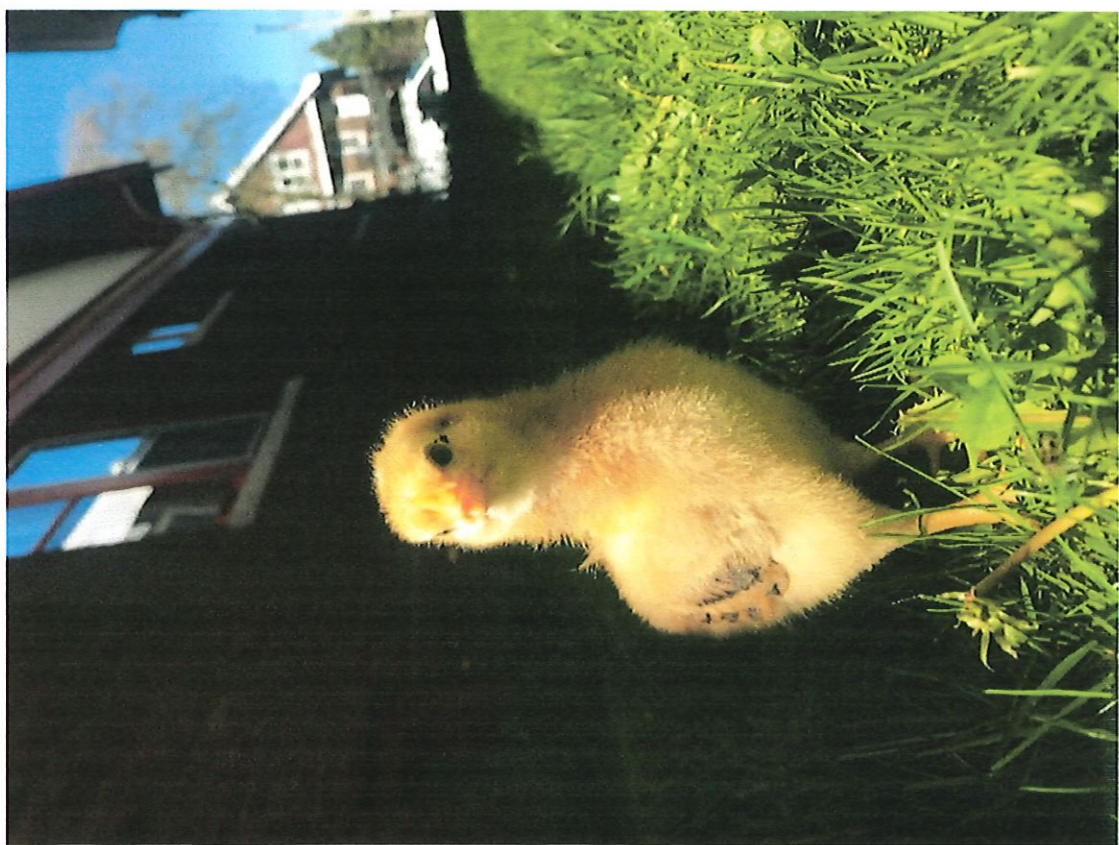
My understanding of the origin of the ordinance is for two reasons: 1) To prevent cockfighting, and 2) to prevent noise nuisances from the crowing. With regard to these, 1) Big Red is the leader of a family flock, and my partner and I are demonstrably against any kind of animal cruelty, and 2) the overwhelming support of the neighborhood, including infants, toddlers, college students, middle-age parents, and octogenarians alike, as evidenced by the petition, shows that Big Red is a well-loved and valued member of our neighborhood.

I respectfully request that he be allowed to live out his normal life with his flock.

Exhibit A



"BIG RED WITH HIS FLOCK"



"GOLDIE"

Save Big Red!

We received a notice from the city that Big Red is not allowed per the chicken regulations and he has to be removed by July 10th. I'm asking for signatures to show support for Big Red as a community member, for his providing a beautiful presence during the pandemic, asking for a "stay" until the end of his natural life, which is about 2 years from now (he is currently 3 years old). Please sign below and let us know where you stand on this issue.

Save Big Red! I Love Our Rooster!

NAME	ADDRESS	Phone or Email (opt)	Remarks (optional)
Jingwei Zeng	3056 N Farwell Ave	Zeng4@uwm.edu	We LOVE roosters!
Jingyan Huang			
Jingwei Zeng (Viktorian)			
Guoyang Zeng (Sam)			
RAG CHAPORENS	3078 N. FARWELL		
Elijah Kersay	3112 S New York Ave	elijahk@uwm.edu	
RACHEL FROELICH	3813 N HUMBOLDT BULD	605 270 4400	Free Big Red
Misty Christensen	3008 N Farwell Ave	misty.marie.christensen@gmail.com	let Big Red stay!
DAN CHRISTENSEN			
Thomas Clancy	3008 N Farwell Ave	thomasc@uwm.edu	Pillar of the Community!
William Stoikes	1757 - N. 43	414-298-4654	
Emma Atkins	2936 N Murray Ave	920904-7313	We love Big Red XOXO
Rhyanna Oeffling	3053 N Farwell Ave.	815-307-1516	I live next to it and I love Big Red!
Alyssa Labaree	2842 N Frederick Ave	(920) 634-5488	Big Red is dope asf.
Meghan Morrison	2842 N Frederick Ave	(920) 445-6447	I ♥ big red

He's treated like a Prince!

Save Big Red! I Love Our Rooster!

NAME	ADDRESS	Phone or Email (opt)	Remarks (optional)
Bronze Grantz	3053 N Farwell Ave	(915) 289-8779	We love the rooster
Alexia Lohbieder	3053 N Farwell Ave	920-716-5496	
Courtney Wilcox	2936 N Murray Ave	Cribor@uwmedia	Big Red is perfect - love him + Tom!
Owen Daily	3030 N Maryland Ave		Rooster brings life to the neighborhood
JOE CHANG	3028 N Maryland Ave		No way I wake up on time w/o the rooster
Bady Steinbrecher	3030 N Maryland Ave	(906) 382-9107	he's a staple of our student culture
Sasha Miller	3030 N Maryland Ave	708-990-7351	Personality!
Juliet Sawicki	3053 N Farwell Ave	414-552-8785	I love big red!
Danielle Darcinelli	2938 N. Murray Ave	815 400 9863	Big red is so cute &
Eleanor Gentioli	2932 N Frederick Ave	608-636-5114	part of the community!
Luke Badalov	3056 N Downer	lbadalov@gmail.com	He reminds me of home!!
Samuel Retzlaff	3030 N. Farwell		enjoy talking to Tom + Big Red
Richard Milton	3030 N Maryland Ave		
Cameron Severson	3030 N Maryland Ave		Favorite part of the Neighborhood
Colin Nicht	3030 N Maryland Ave		Can barely hear it.

Save Big Red! I Love Our Rooster!

NAME	ADDRESS	Phone or Email (opt)	Remarks (optional)
BLANCA DANIELS	2842 N FREDERICK	(507) 601-2790	SAVE THE ROOSTER!!!
Olivia Kerrels	2842 N FREDERICK AVENUE	(262) 483-0722	I love Big Red!!!
Brian Holdeman	2492 N MURRAY	(262) 339-9192	
Sam Warmuth	3002 N PROSPECT AVE	414 630 0289	OUR 2 year old LOVES the rooster!
Heather Christensen	676 E Steede St. 1308	262 498 6181	Save Big Red!
Kris Maslonez	626 E Steede St. 1308	262 498 6181	Save Big Red!
Daniel Christensen	2731 Fleetwood Dr.	262-498-4022	We love big Red
Cindy Christensen	2731 Fleetwood Dr.	262-498-4022	beautiful boy!
Ryan Wickens	3014 N FARWEN AVE	414-801-8970	Our kids love their morning walk to see Big Red!
Naomi Kaufman	3014 N FARWEN AVE	414-801-3680	
Andrea Fair	3051 N Prospect Ave	414-837-8079	We love Him!
Allan Spoke	3051 N Prospect Ave	"	Save him please!
Shannon King	3002 N Prospect Ave	414 915 3830	My son loves Big Red!
Sharon Garrison	3050 N FARWELL AVE	414-333-2932	We love him!
JAMES R. RUBERT	3050 N. FARWEN AVE	414-333-2932	YES OUR HEART COOK

Save Big Red! I Love Our Rooster!

NAME	ADDRESS	Phone or Email (opt)	Remarks (optional)
Stephen Mesola	3002 N. Farwell Ave	menoladrew@hotmail.com	
August Mesola	3002 N. Farwell Ave		
TAMARA KHAN	3025 N PROSPECT AVE	TAMARA.K100@YAHOO.COM	
MIMI KHAN	3025 N PROSPECT AVE	414-688-1051	
SANJAYAN KHAN	3025 N PROSPECT AVE.		
Lin Anderson	3025 N Prospect Ave		We love the sounds
Basim Khan	Bruce St, Minn.		of Big Red & his presence!
Emily Powell (Milk)	3050 N. Farwell Ave	jem2458@gmail.com	He is so beautiful and I love to hear him crow!
Dennis Grzeziński	3025 N Farwell Ave.	dennisglaw@gmail.com	
Brian Hansen	2465 N Summit Ave	414-732-6407	My friend is a neighbor I love
Patrick F. Heilly	2621 N. Frederick, Apt 205	414-204-9318	I love hearing him crow
BO Knutson	3057 N. Farwell Ave.	414-722-1018	he isn't bothering me!
Jamie Berg	3002 N. Farwell Ave	773-332-8198	
Jane Porath	3025 N. Farwell Ave	(414) 810-9171	I love his quiet calling
Penny Powell	3050 N. Farwell Ave	(413) 429-1824	Roosters remind me of the good old days!

Save Big Red! I Love Our Rooster!


NAME	ADDRESS	Phone or Email (opt)	Remarks (optional)
Stefanie Corbett	3059 N Prospect Ave	773-715-8764	Red!
Stephanie Capps	3014 N Prospect	414-322-5678	Red Slays!!
Kate Capps	" "	414-412-2403	
Liv	1927 E Kenwood Blvd	920-737-7595	I love seeing big red on my daily walks - makes my day and he must be Red!
Nic Veenar thefanatic	3751 N. Newhall St.	n.avenard@proxi.com	
Jelly Kasik	3041 N. Stowell Ave.	414-331-0657	WE LOVE IT! Hilwaakee has plenty to worry about - snappy to leave the rooster.
John Maser	3041 N. Stowell	414 559 3329	Let Big Red stay
Beth Coakley	3043 N. Stowell	Thebrett@Yahoo.com	
Mike Beninger	3043 N. Stowell	Juparis@gmail.com	
John Maysers	3016 N Prospect	414 915 7023	
Jessica Jaylawski	3019 N. Prospect	414-517-2852	We love hearing Big Red!
WILLIAM BEARD	3019 N. Prospect Ave	414-350-7239	
SHULUX JENSEN	2937 N Maryland Ave	920-637-3521	WE LOVE RED!!!
ANGELINE NEHMER	2937 N Maryland Ave	262-822-5674	Big Red NEW YOU!
Sarah Steffen	3044 N Maryland Ave	414 326 7499	He is an icon!

As of 7/19/23

As of 7/11/23

(5)

Save Big Red! I Love Our Rooster!

NAME	ADDRESS	Phone or Email (opt)	Remarks (optional)
Yokelin Marquez	3044 N Maryland Ave	(414) 512- 4184 4184	BIG RED STAYS <3
TJ SAIFER		262-813-9232	KEEP BIG RED
William Francis	3000 N Maryland		knows him for years
Nicholas LAJOIE	2761 N DOWVER AVE	(414) 793-6007	Let Big Red stay!
Nathaniel Bellin	3019 N. Prospect	414-517-2852	
JEN FRANCIS	3000 N MARYLAND		
Tenzin Benin	3019 N. Prospect		Big Red = BIG W
Cecilia Paschinger		calpaschinger@gmail.com	
Doree Boling	3047 N Prospect Ave	414 412-6983	
JANE NICHOLS	3047 N. PROSPECT AVE.	414-520-6983	
Daniela Masson-Meyers	3016 N. Prospect Ave	dsmasson@gmail.com	Our daughter loves Big Red

July 25, 2023

Dear friends at the City of Milwaukee,

We are writing to express our support of Thomas J. Penn's appeal for "Big Red" to continue living with his flock at 3054 N. Farwell Avenue. Our family doesn't just like Big Red, we love him! We look forward to visiting him in all kinds of weather through all seasons. Big Red is part of the fabric of our community and neighborhood, and we feel so lucky to have him here!

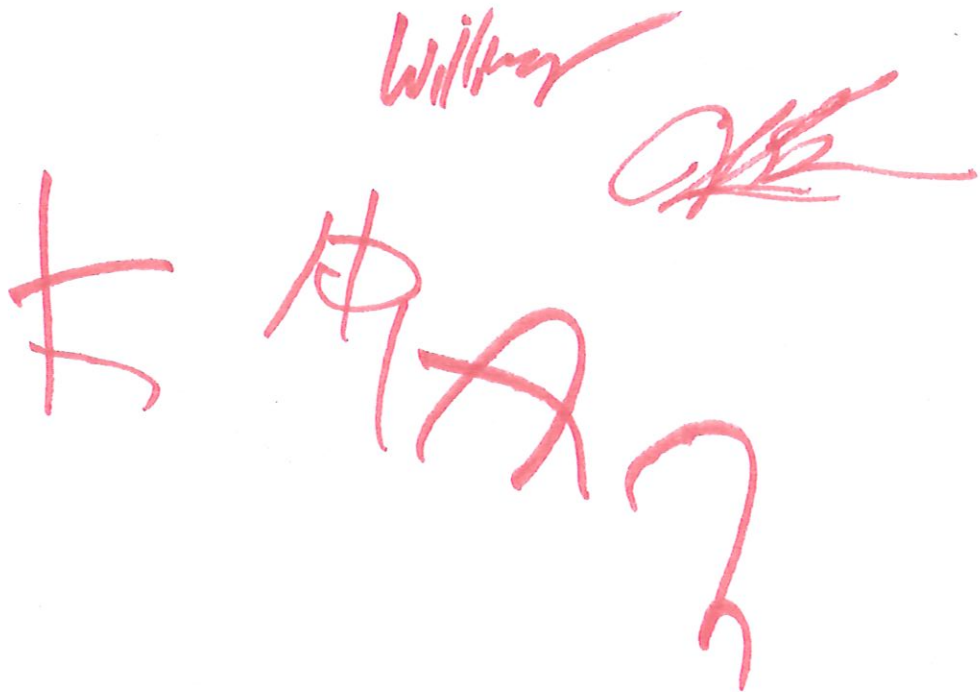
Our four-year-old, Kiran, has grown up with Big Red. Kiran's Grandparents (who live in Wauwatosa) also go out of their way to visit Big Red on the days they care for Kiran. Big Red is not just part of our walking routine, but part of our extended family.

During COVID, Big Red provided all of us with relief just by being there. He is a reliable source of joy, and our hearts are always filled after a visit with him. We always look forward to hearing his voice, which is a glorious reminder of our community's connection.

Please let Big Red stay right where he is.

With gratitude,

Jen, William, and Kiran Francis
3000 N. Maryland Ave. Milwaukee, WI 53211



Handwritten signatures in red ink, including the name "William" and several stylized signatures.

Roosters Not Allowed- Big Red must Go

NAME	ADDRESS	Phone or Email (opt)	Remarks (optional)

Timeline of Appeal of DNS Inspection Report ORD-23-007614

6/26/23 Received the Inspection Report letter from DNS (attached)

Received a call from Inspector David Markwardt on or about that day

7/7/23 Received an email from Marcie Otto of DNS saying that the appeal should go to ARBA (attached). This was a follow-up from an inquiry to my alderman Jonathan Brostoff.

A few days later I spoke Inspector Markwardt again, told him I would appeal, he re-iterated to me that the appeal should go to the Code Appeals Secretary at the Municipal Building, 1st floor, as noted on the Inspection Report letter.

7/12/23 Submitted Appeal to Dept of Neighborhood Services (DNS). I was told that the appeal would be heard at the regular meeting scheduled for August 17th at 1pm.

8/2/23 Received an email and call from Tobasha Wilks at the DNS Standards and Appeal Commission (attached), stating that I need to take this to the ARBA.

8/9/23 Attempted to submit the appeal to ARBA, I was asked for additional information to confirm the proper venue for the appeal.



Department of Neighborhood Services
 Enforcement Section
 841 N. Broadway
 Milwaukee, WI 53202

Inspection Date
 06/26/2023
 ORD-23-07614

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

THOMAS J PENN
 3054 N FARWELL AVE
 MILWAUKEE WI 53211

Re: 3054 N FARWELL AV

Taxkey #: 316-1648-000

A recent inspection of the premises at the above address revealed conditions that violate the Milwaukee Code of Ordinances. You are hereby ordered to correct each violation listed below by date indicated.

Correct By Date: 07/10/2023

- 1) 78-6.5.3 The keeping of up to 4 chickens, with a permit, is allowed on a residential premise, provided the following:
 - a. No person shall keep any rooster.

You are hereby ordered to remove your rooster from the City.

For any additional information, please phone Inspector **David Markwardt** at 414-286-3570 or **DMARKW@milwaukee.gov** between the hours of 8:00 a.m. to 10:00 a.m. Monday through Friday.

Violations can also be viewed on our website at www.milwaukee.gov/lms.

Per Commissioner of Neighborhood Services By -

David Markwardt
 Inspector

Recipients:

FARWELL REAL ESTATE LLC, ATTN: CASSANDRA ZOSUL S4362 FOX HILL CIR, BARABOO, WI 53913
 CASSANDRA ZOSUL, S4362 FOX HILL CIR, BARABOO, WI 53913
 THOMAS J PENN, 3054 N FARWELL AVE, MILWAUKEE, WI 53211

FAILURE TO COMPLY

Failure to correct the violations noted herein within the time set, or failure to comply with the order as modified by an appellat board and maintain compliance, may subject you to prosecution and to daily penalties of \$150.00 to \$10,000 in the manner provided in Section 200-19.

Also, any infraction of this order may result in a citation under Section 200-12-5 of the Milwaukee Code of Ordinances Volume II.

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

RIGHT TO APPEAL

You may file an appeal within 20 days. The Milwaukee Code of Ordinances requires that a written appeal of this order be received within 20 days of service of this order. If service of this order is made by mail, the appeal shall be received within 30 days or by the compliance date plus 5 days not to exceed 30 days. There is a fee for filing this appeal.

Violations (excluding zoning violations - Chapter 295) must be appealed to the Code Appeals Secretary, Municipal Building, 1st Floor, 841 N. Broadway, Milwaukee, Wisconsin 53202, phone 414 286-2543.

Violations of Chapter 295 of the Milwaukee Code of Ordinances must be appealed to the Board of Zoning Appeals, 809 N. Broadway, 1st floor, Milwaukee, Wisconsin 53202, phone 414-286-2501. All appeal applications must include the required information outlined in sec. 295-311-6.

If an appeal is pursued, it is your responsibility, as the recipient of this order, to file with the appropriate department. Please contact the inspector that issued this order if you are unclear on this issue. Filing an appeal with the incorrect department may render your appeal null and void.

TENANT RENT WITHHOLDING

Uncorrected violations on properties may allow tenants to deposit their rent in an escrow account in the Department of Neighborhood Services under Section 200-22. The Commissioner may withdraw monies from such escrow accounts to make repairs to protect the health, safety and welfare of tenants.

REINSPECTION FEES

In accordance with Section 200-33-48, a fee may be charged for any reinspection, except no fee shall be charged for the final reinspection when compliance is recorded. **The fee is \$203.20 for the first reinspection, \$406.40 for the second and all subsequent reinspections. These fees include a 1.6% training and technology surcharge. Reinspection fees shall be a lien upon the real estate where the reinspections were made and shall be assessed and collected as a special tax.** If you wish to contest the assessment of a reinspection fee, contact the inspector, and, if necessary, the inspector's supervisor. If no agreement is reached, an appeal form will be mailed to you, which you can complete and send to the City's Administrative Review Appeals Board. Any question regarding the actual appeal process, please contact the Administrative Review Appeals Board at (414) 286-2221. Please be aware that there is a fee required when filing an appeal.

TRADUCCION EN ESPAÑOL Si Ud, necesite ayuda para la traducción, de esta información, comuníquese con el 'Centro Hispano' Council for the Spanish Speaking, Inc., 614 W. National Avenue, Milwaukee, WI 53204. Teléfono: (414) 928-1600 o Community Advocates, 728 James Lovell Street., Milwaukee WI, 53233, Teléfono: (414) 449-4777

LUS HMOOBYog koj xav tau kev pab txhais cov lus no, thov hu mus rau koomhaum Hmong/American Friendship Association, 3824 West Vliet Street, Milwaukee, WI 63208, xovtooj yog (414) 344-6575.

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

78-6.5 Animals

c. If a timely written objection and request for a hearing has been submitted to the commissioner, the commissioner shall hold a hearing within 14 days.

d. Within 10 days of completion of the hearing conducted pursuant to par. c, the commissioner shall mail to the objector and permit applicant his or her written determination on the granting of the permit, taking into consideration factors listed under sub.3.

3. KEEPING OF HONEY BEE HIVES.

A permit authorizes the keeping of honey bee hives on a premise, provided the following:

a. No more than 2 hives are allowed on a lot.

b. Honey bees are limited to eastern european races of *apismelifera*.

c. All honey bees shall be kept in hives with removable frames which shall be kept in sound and usable condition.

d. A minimum 6-foot high closed fence, closed hedge, building or other solid flyway barrier or other barrier which the commissioner determines to be of sufficient height shall be located between hives and the property lines for all hives located within 20 feet of the property line. A supply of water shall be located within these enclosures and flyway barriers. A flyway barrier is not needed if the bee hive is kept at least 10 feet off the ground.

e. All hives and related structures that form the apiary shall be located a minimum of 20 feet from the front property line and 10 feet from all other property lines.

f. Hives shall be located a minimum of 50 feet from dwellings, porches, gazebos, decks, swimming pools; permanently affixed play equipment and any other habitable area on any adjoining lots unless the owner of the adjoining property has provided written permission for closer hive placement.

g. Hives shall be provided with fresh water throughout the day and be designed to allow bees to access water by landing on a hard surface. This is not required during the winter.

h. Hives shall be actively maintained. Hives not under active human management and maintenance shall be dismantled or removed by the most recent permit holder.

i. In any instance in which a hive exhibits unusually aggressive characteristics it shall be the duty of the beekeeper to destroy or requeen the hive. Queens shall be selected from stock bred for gentleness and non-swarming characteristics

j. In addition to compliance with the requirements of this section, no beekeeper shall

keep a hive or hives that cause any unhealthy conditions or interfere with the normal use and enjoyment of human or animal life of others, any public property or property of others.

k. A permit application that is denied because it does not meet the standards of this subsection may be appealed to the commissioner, who may waive or modify the requirements of this subsection consistent with professional practice guidelines promulgated by the University of Wisconsin system, Milwaukee County Extension, or other similar professional or academic material.

4. PERMIT REVOCATION. A permit shall be subject to revocation upon failure to comply with any provisions of this section. Once a permit is revoked, a permit shall not be reissued.

78-6.5. Keeping of Chickens in the City.

1. PERMIT REQUIRED. No person shall keep chickens in the city without obtaining a valid permit issued by the commissioner. The permit process requires a completed application accompanied with a fee prescribed in s. 60-7-8. The permit application is also subject to notification and approval pursuant to sub. 2.

2. NEIGHBORHOOD APPROVAL REQUIRED. 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 commissioner. 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 commissioner 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 commissioner, the commissioner shall hold a hearing within 14 days.

d. Within 10 days of completion of the hearing conducted pursuant to par. c, the commissioner shall mail to the objector and permit applicant his or her written determination on the granting of the permit, taking into consideration factors listed under subs. 3 and 4.

3. KEEPING OF CHICKENS ALLOWED. The keeping of up to 4 chickens, with a permit, is allowed on a residential premise, provided the following:

a. No person shall keep any rooster.

b. No person shall slaughter any chickens.

From: Otto, Marcie motto@milwaukee.gov
Subject: Appeal form
Date: Jul 7, 2023 at 1:12:26 PM
To: tjpenn@mac.com

Please see attached for the form to file for the appeal for the rooster order.

Marcie Otto

Office Assistant IV

4001 S. 6th St, Milwaukee, WI 53221

P: (414) 286-5771 F: (414) 286-5165



The City of Milwaukee is subject to Wisconsin Statutes related to public records. Unless otherwise exempted from the public records law, senders and receivers of City of Milwaukee e-mail should presume that e-mail is subject to release upon request, and is subject to state records retention requirements. See City of Milwaukee full e-mail disclaimer at www.milwaukee.gov/email_disclaimer



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TO: Administrative Review Board of Appeals
City Hall, Rm. 205
200 E. Wells St.
Milwaukee, WI 53202
(414) 286-2231

DATE: _____

RE: _____
(Address of property in question)

Under ch. 68, Wis. Stats., s. 320-11 of the Milwaukee Code of Ordinances, this is a written petition for appeal and hearing.

I am appealing the administrative procedure followed by _____
(Name of City Department)

Amount of the charges \$ _____

Charge relative to: _____

I feel the City's procedure was improper due to the following reasons and I have attached any supporting evidence, including city employee's names/dates which I spoke to regarding this issue and copies of any city orders received:

Signature

Name (please print)

Mailing address and zip code

Daytime phone number

E-Mail Address(es)

From: Wilks, Tobasha Tobasha.Wilks@milwaukee.gov
Subject: STANDARDS AND APPEAL COMMISSION
Date: Aug 2, 2023 at 3:48:45 PM
To: tjpenn@mac.com

Good afternoon Mr. Penn,

I'm emailing you regarding your appeal, you will need to contact the Administrative Review and Appeals Board. You will need to request an application with ARBA regarding your rooster. The Administrative Review and Appeals Board (ARBA) full address is: The Office of the City Clerk located in Room 205, 200 E Wells Street, Milwaukee Wisconsin 53202. Please contact them to obtain the proper application form, their phone number is: [414.286.2221](tel:414.286.2221). There is a \$25 fee required when filing this appeal.

Thank you,



Tobasha R. Wilks
Administrative Assistant IV
Office of the Commissioner
Department of Neighborhood Services
841 N. Broadway, Room 104, Milwaukee, WI 53202
P: (414) 286-2543

The City of Milwaukee is subject to Wisconsin Statutes related to public records. Unless otherwise exempted from the public records law, senders and receivers of City of Milwaukee e-mail should presume that e-mail is subject to release upon request, and is subject to state records retention requirements. See City of Milwaukee full e-mail disclaimer at www.milwaukee.gov/email_disclaimer

Receipt of A.R.B.A. Appeal Fee

Date:	8/28/23
Received Of:	Thomas Penn
Property at:	3054 N. Farwell Ave.
Received By:	LME
Check # (If Applicable):	1248
Amount:	\$25.00