

..Number
101416
..Version
SUBSTITUTE 2
..Reference

..Sponsor
ALD. KOVAC, WITKOWIAK, ZIELINSKI, COGGS AND BAUMAN

..Title
A substitute ordinance relating to the keeping of chickens in the city.

..Sections
60-7-8 cr
78-5-1 am
78-5-2-a am
78-5-4 am
78-6.5 cr
78-39 am

..Analysis
This ordinance allows the keeping of up to 4 chickens on a residential premise, provided the following:

1. The applicant shall obtain a permit. The permit fee shall be \$35 at the time of application.
2. Prior to the issuance of a permit, the applicant shall obtain the written consent of the owner of the property where the chickens shall be kept and owners of all directly or diagonally abutting properties, including those across an alley. This written consent shall be provided at the time of application.
3. No person shall keep any rooster.
4. No person shall slaughter any chickens.
5. Chickens shall be provided with fresh water at all times and adequate amounts of feed.
6. Chickens shall be provided with a sanitary and adequately-sized covered enclosure, or coop, and shall be kept in the covered enclosure or a sanitary and adequately-sized and accessible fenced enclosure, or yard, at all times.
7. 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.
8. 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 the coop and yard do not become a health, odor or other nuisance.
9. Chicken coops and yards together shall be large enough to provide at least 16 square feet per chicken.
10. No enclosure shall be located closer than 25 feet to any residential structure on an adjacent lot.
11. No enclosure shall be located in the front yard of a dwelling.

12. No person 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.

13. A permit is subject to revocation upon failure to comply with any provision of this ordinance. Once a permit is revoked, a new permit shall not be reissued.

14. Chickens shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds or to humans.

15. Any person keeping chickens shall immediately report any unusual illness or death of chickens to the health department.

16. The commissioner may order testing, quarantine, isolation, vaccination or humane euthanasia of ill chickens or chickens believed to be a carrier of a communicable disease.

..Body

Whereas, A number of cities allow the keeping of chickens; and

Whereas, Chickens can produce eggs, a source of sustainable, healthy food; and

Whereas, Once a chickens' living space is arranged, chickens are low maintenance and often treated as pets; and

Whereas, Chickens are voracious insect-eaters, their fertilizer is ideal for vegetable and flower gardens, and they do not smell if well cared for; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 60-7-8 of the code is created to read:

60-7. Animal Licenses and Permits.

8. A fee of \$35 shall be charged at the time of application for anyone intending to keep chickens in the city.

(See s. 78-6.5.)

Part 2. Section 78-5-1 of the code is amended to read:

78-5. Keeping of Animals Within City.

1. PERMITTED ANIMALS. No animal that is not a domesticated animal may be kept or brought into the city except as provided in ~~[[ss. 78-20 and 23]]~~ >>this chapter<< or as otherwise authorized by the commissioner.

Part 3. Section 78-5-2-a of the code is amended to read:

2. CERTAIN ANIMALS PROHIBITED.

a. Except as otherwise provided in this chapter, no person shall keep within the city, either temporarily or permanently, any live ~~[[fowl,]]~~ cows, cattle, horses, sheep, swine, goats, ~~[[chickens]]~~ >>roosters<< , ducks, turkeys, geese or any other domesticated

livestock, >> or undomesticated fowl<< provided, however, that ~~[[such]]~~ >> the<< animals or fowl may be kept at places approved by the commissioner for slaughtering, educational purposes, research purposes and for circuses or similar recreational events. Upon approval by the commissioner, horses used for livery service may be kept within the city. No rabbits or guinea pigs shall be kept within any portion of any multiple dwelling.

Part 4. Section 78-5-4 of the code is amended to read:

4. ANIMAL REMOVAL. The department ~~[[or the humane society]]~~ may confiscate and remove animals from a premises for violation of ~~[[subs.]]~~ >> sub.<< 1, 2 or 3 or ss. ~~[[78-23, 25 and 31]]~~ >> 78-6, 78-6.5, 78-23, 78-25 and 78-31, or if the animals constitute a public health threat as determined by the health department<<. The department may convey such animals ~~[[to the humane society]]~~ to be housed and handled appropriately. If necessary, such animals may be disposed of in a humane manner by the department ~~[[, humane society]]~~ or their designee.

Part 5. Section 78-6.5 of the code is created to read:

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 applicant shall obtain the written consent of the owner of the property where the chickens shall be kept and owners of all directly or diagonally abutting properties, including those across an alley. Written consent shall be provided at the time of application.

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.

c. Chickens shall be provided with fresh water at all times and adequate amounts of feed.

d. Chickens shall be provided with a sanitary and adequately-sized covered enclosure, or coop, and shall be kept in the covered enclosure or a sanitary and adequately-sized and accessible fenced enclosure, or yard, at all times.

e. 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.

f. 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.

- g. Chicken coops and yards together shall be large enough to provide at least 16 square feet per chicken.
 - h. No enclosure shall be located closer than 25 feet to any residential structure on an adjacent lot.
 - i. No enclosure shall be located in the front yard of a dwelling.
 - j. 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.
- 4. 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 commissioner may order testing, quarantine, isolation, vaccination or humane euthanasia of ill chickens or chickens believed to be a carrier of a communicable disease.
- 5. PERMIT REVOCATION.** A permit is subject to revocation upon failure to comply with any provisions of sub. 3 or 4. Once a permit is revoked, a permit shall not be reissued.

Part 6. Section 78-39 of the code is amended to read:

78-39. Selling Baby Fowls. No person may display, give away or sell baby chicks or ducklings or any other young of domestic or nondomestic fowl as pets or novelties >>provided, however, that this prohibition does not apply to baby chicks kept pursuant to s. 78-6.5<<.

Part 7. This ordinance takes effect in 45 days.

..LRB
APPROVED AS TO FORM

 Legislative Reference Bureau
 Date:_____

..Attorney
IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

 Office of the City Attorney
 Date:_____

..Requestor

..Drafter

MET

5/12/11

LRB126031-6