

IN CITY COUNCIL

THE COUNCIL of the City of Milwaukee hereby ordains that Chapter 78-5 "Keeping of Animals Within City" of the "Code of Ordinances, Volume I Regulatory Ordinances, of the City of Milwaukee, Wisconsin be and hereby is amended as follows:

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ARTICLE I. IN GENERAL

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Definitions.

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Chicken Pen shall mean a wire enclosure connected to a henhouse for the purpose of allowing chickens to leave the henhouse while remaining in an enclosed, predator-safe environment.

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Henhouse shall mean a structure for the sheltering of female chickens. An existing shed or garage can be used for this purpose if it meets the standards contained in Article II. Domesticated Chickens, including the required distance from property lines.

ARTICLE II. DOMESTICATED CHICKENS

Purpose.

Whereas, the keeping of chickens in the city supports a local, sustainable food system by providing an affordable, nutritious source of protein through fresh eggs. The keeping of chickens also provide free, quality, nitrogen-rich fertilizer; chemical-free pest control; animal companionship and pleasure; weed control; and less noise, mess and expense than dogs and cats.

The purpose of this article is to provide standards for the keeping of domesticated chickens. It is intended to enable residents to keep a small number of female chickens on a non-commercial basis while limiting the potential adverse impacts on the surrounding neighborhood. The City recognizes that adverse neighborhood impacts may result from the keeping of domesticated chickens as a result of noise, odor, unsanitary animal living conditions, unsanitary waste storage and removal, the attraction of predators, rodents, insects, or parasites, and non-confined animals leaving the owner's property. This article is intended to create licensing standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.

### **Permit Required.**

An annual permit is required for the keeping of any domesticated chickens in the City of **Milwaukee**. Permits are not granted without the completion of a certification class in chicken keeping from a Master Chicken Keeper to ensure safety and responsibility of the animals and the neighborhood.

### **Fees.**

The fee for an annual permit to keep chickens is ten dollars (\$10.00).

### **Number and Type of Chickens Allowed.**

- (a) The maximum number of chickens allowed is four (4) per lot.
- (b) Only female chickens are allowed. There is no restriction on **chicken** species.

### **Enclosures.**

- (a) Chickens must be kept in an enclosure or fenced area at all times. During daylight hours, chickens may be allowed outside of their **chicken** pens in a securely fenced yard if supervised. Chickens shall be secured within the henhouse during non-daylight hours.
- (b) Enclosures must be clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.
- (c) The hen house and **chicken** pen must provide adequate ventilation and adequate sun and shade and must both be impermeable to rodents, wild birds, and predators, including dogs and cats.
- (d) Henhouses.
  - (1) A henhouse shall be provided and shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood.
    - (a) The structures shall be enclosed on all sides and shall 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 of less than one (1) inch openings.
    - (b) The henhouse shall be well-maintained.
  - (2) Henhouses shall not be placed in the front yard.
- (e) **Chicken** Pens.
  - (1) An enclosed **chicken** pen must be provided consisting of sturdy wire fencing. The pen must be covered with wire, aviary netting, or solid roofing.

### **Odor and Noise Impacts.**

- (a) Odors from chickens, **chicken** manure, or other **chicken**-related substances shall not be perceptible at the property boundaries.
- (b) Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

### **Lighting.**

Only motion-activated lighting may be used to light the exterior of the henhouse.

### **Predators, Rodents, Insects, and Parasites.**

The property owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.

### **Feed and Water.**

Chickens must be provided with access to feed and clean water at all times; such feed and water shall be unavailable to rodents, and predators.

### **Waste Storage and Removal.**

Provision must be made for the storage and removal of **chicken** manure. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. All other manure not used for composting or fertilizing shall be removed. In addition, the henhouse, **chicken** pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

### **Application for permit.**

Every applicant for a permit to keep domesticated chickens shall:

- (a) Complete and file an application on a form prescribed by the "Code Enforcement Officer";
- (b) Deposit the prescribed permit fee with the "Code Enforcement" office at the time the application is filed.
- (c) Complete the required certification in chicken keeping.

Any material misstatement or omission shall be grounds for denial , suspension or revocation of the permit.

#### **Approval of permit.**

The “Code Enforcement Officer” shall issue a permit if the applicant has demonstrated compliance with the criteria and standards in this article and has completed certification for chicken keeping.

#### **Denial, suspension or revocation of permit.**

The “Code Enforcement Officer” shall deny a permit if the applicant has not demonstrated compliance with all provisions of this article.

A permit to keep domesticated chickens may be suspended or revoked by the “Code Enforcement Officer” where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of this article or with the provisions of any other applicable **ordinance** or law.

Any denial, revocation or suspension of a permit shall be in writing and shall include notification of the right to and procedure for appeal.

#### **Appeal.**

A person appealing the issuance, denial, suspension or revocation of a permit by the “Code Enforcement Officer” may appeal to the Board of Appeals within thirty (30) days of the decision being appealed.

#### **Penalty.**

In addition to any other enforcement action which the city may take, violation of any provision of this article shall be a civil violation and a fine not exceeding one-hundred dollars (\$100.00) may be imposed. Each day that a violation continues will be treated as a separate offense.

#### **Removal of Chickens.**

In addition to the penalty, any violation of the provisions of this article or of the permit shall be grounds for an order from the “Code Enforcement Officer” to remove the chickens and the **chicken-**related structures.

The Health Inspector, Health Officer, or Animal Control Officer may also order the removal of the chickens upon a determination that the chickens pose a health risk.

If a **chicken** dies, it must be disposed of promptly in a sanitary manner.

#### **Separability.**

In the event that any section, subsection or portion of this article shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this article.