



CUDAHY HEALTH DEPARTMENT

5050 Lake Drive
Cudahy, WI 53110
Phone: 414-769-2239
Fax: 414-769-2291
health@ci.cudahy.wi

BOARD OF HEALTH

AGENDA

1. Welcome
2. Approval of the April 2023 meeting minutes
3. Discussion & Necessary Action regarding revisions to the Chicken Keeping Ordinance
4. Immunization & Emergency Preparedness Updates
5. Health Department Updates
6. Adjourn

There will be a meeting of the **Board of Health** of the City of Cudahy at **5:30 PM** on **Wednesday, September 13th, 2023** in the City of Cudahy City Hall, Conference Room A. Your presence is requested. To assure a quorum, please call **769-2239, if unable to attend this meeting.** A **48 + hour notice**, if possible, would be greatly appreciated by the Cudahy Health Department.

Sincerely,

Heather Puente
Health Officer

PUBLIC NOTICE

Upon reasonable notice, a good faith effort will be made to accommodate the needs of individuals to participate in public meetings, who have a qualifying disability under the ***Americans with Disabilities Act.*** Requests should be made as far in advance as possible, preferably a minimum of 48 hours. For additional information or to request this service, contact the Cudahy City Clerk at 769-2203, (Fax 769-2257). The meeting room is wheelchair accessible from the west entrance on South Lake Drive.

CITY OF CUDAHY MEETING POLICY

Agenda



CUDAHY HEALTH DEPARTMENT

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This meeting is a meeting of a City of Cudahy Board, Committee, Commission or Council for the purpose of conducting City of Cudahy business and is not to be considered a public community meeting. There is a time for public participation during the meeting as indicated in the agenda.

Public Participation at Meetings

All citizens are welcome to observe Meetings of the City of Cudahy. The City of Cudahy recognizes the value of public comment on Municipal issues and the importance of allowing members of the public to express themselves on Municipal matters.

The presiding chair of each meeting at which public participation is permitted, shall administer Roberts Rules of Order. Roberts Rules of Order as Revised will be followed at all times.

1. Public comment parameters:
 - City of Cudahy citizens will be allowed to comment as noted on the agenda regarding agenda items only or any subject other than personnel matters.
 - All statements shall be directed to the presiding chair of the Board, Committee, Commission or Council and not to staff or other participants.
 - No person may address or question the Board, Committee, Commission or Council members individually.
 - Comments will be limited to one 3 minute comment at the beginning and/or end of each meeting where public comment is noted on the agenda.
 - Comments should be concerning the substance of the item being commented on and not an attack on an individual, institution or organization.
 - Disagreement as to the substance of the item is acceptable.
 - If the public comment concerns a matter of public policy, response from the Board, Committee, Commission or Council will be limited to seeking information or acknowledging that the participant has been understood.
 - The Board, Committee, Commission or Council may not debate with a participant who is addressing the members and the Board, Committee, Commission or Council may not take action on an item raised during public comment that is not on the duly posted meeting notice/agenda.
 - Personnel matters or concerns regarding specific City personnel are not appropriate topics to be addressed during an open meeting and will be handled in accordance with City policy and procedures.
 - Comments regarding an individual employee's performance and/or comments that are derogatory and/or inflammatory are not appropriate and will not be tolerated.
2. All meeting attendees should honor the need for a respectful and safe environment.
 - Anyone addressing the Board, Committee, Commission or Council should be treated respectfully and not be interrupted by participants attending the meeting during their presentation.
 - Side bar conversations among meeting attendees should be avoided.
 - No comments that are a personal or professional attack on an individual will be permitted.
3. The presiding Chair may:
 - The Chair may interrupt, warn, or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene or irrelevant; order a person to stop speaking if the person's comments do not meet these norms.
 - Request an individual to leave the meeting when that person does not observe reasonable decorum.
 - Request the assistance of Law Enforcement Officers in the removal of a disorderly person when that person's conduct interferes with orderly progress of the meeting.
 - Call a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action.

Thank you for your participation and courtesy.



MINUTES OF BOARD OF HEALTH MEETING OF CITY OF CUDAHY	Page 1 of 2	
	Meeting Date – Wednesday:	April 19, 2023
	Address: Cudahy Municipal Building	
	5050 South Lake Drive	
	Cudahy, WI 53110	

ROLL CALL

The meeting was called to order at 5:35p by Heather Puente.

Board of Health Member Attendance	Present	Absent Excused	Absent
Alderman Ken Jankowski	x		
Miriam Kaja	x		
Dr. David Sherman, Medical Advisor/Chairperson	x		
Dr. Robert Shampo	x		
Kari Durr	x		
Heather Puente, Health Officer	x		
Jessica Gathirimu	x		
Ludys Ebratt	x		
Dr. Frank LaVora		x	
Rae Stewart	x		

Other attendees: City Administrator Casey Griffiths

OPENING STATEMENT

The proper opening statement was read.

Approval of the February 2023 meeting minutes

Motion by Dr. Sherman, seconded by Jessica Gathirimu, all voting in favor. Motion carries.

Discussion & Necessary Action regarding revisions to the Chicken Keeping Ordinance

Group discussion occurred around revisions to lessen and clarify ordinance. Recommendations were provided to City Administrator Griffiths and Health Officer Puente. Next step is adding in to recommendations and to bring back ordinance for review at the next Board of Health meeting.

Discussion & Necessary Action regarding revisions to the Bee Keeping Ordinance

Group discussion occurred around bee keeping ordinance. Dr. Sherman made recommendation that “certified bee keeper course” be added to line 86 or section 4-7, d-11 to clarify proof of bee keeping competency. Dr. Sherman made motion to adapt bee keeping ordinance with this revision, Kari Durr seconded, all voting in favor. Motion passes.

Health Department Updates

Health Officer provided updates on health department operations and programming including spring/summer community events like school STEAM night, Earth Day clean up and Game Night/Touch a Truck. Details are on Facebook and website.



MINUTES OF BOARD OF HEALTH MEETING OF CITY OF CUDAHY	Page 2 of 2	
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Health Officer Puente provided update on QualData project that team has been working on in collaboration with health departments in the south shore to strengthen our understanding of the unique impact that COVID-19 continues to have on our communities through quantitative and qualitative data collection methodologies. This data will be used to (1) determine how to better engage and meet the needs of underserved populations, (2) identify recovery objectives to inform future planning, and (3) update emergency preparedness response plans to meet the needs of the whole community.

Updates were also provided regarding the Outstanding Public Health Partner Awards, a new initiative to recognize community partners and their sustained and reciprocal partnership with the Cudahy Health Department and the Healthiest Cudahy Collaboration. This award recognizes and honors the vital role and commitment of our community partners in supporting the mission of the Cudahy Health Department – health for all who live, work, learn, and play in our community.

ADJOURN Motion by Kari Durr, seconded by Ludys Ebratt to adjourn at 6:32 PM. All voting in favor.

Respectfully submitted,
Heather Puente

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RECREATE ARTICLE IV
KEEPING OF CHICKENS IN THE CITY OF CUDAHY MUNICIPAL CODE

WHEREAS, the City of Cudahy allows for the keeping of chickens in residential neighborhoods on properties with single family dwellings through an ordinance adopted on December 18, 2018; and

WHEREAS, the regulation of keeping chickens in intended to provide reasonable conditions and restrictions that allow for the practical use of a property for the keeping of chickens; and

WHEREAS, the City has found it necessary to revise the standards and regulations for keeping chickens, to clarify the process and standards required to obtain a permit to keep chickens and to strength the permit revocation process for failure of permit holders to meet the requirements of the ordinance; and

WHEREAS, the Board of Health; the Rules, Laws and Licensing Committee and the Common Council has reviewed an ordinance and intends to adopt the revisions to aid in enforcement and thereby protect the health, safety and welfare of persons and property in the City of Cudahy;

NOW, THEREFORE, the Common Council of City of Cudahy, Milwaukee County, Wisconsin, does hereby ordain as follows:

SECTION 1: Chapter 4 of the City of Cudahy City Code entitled “Animals,” Article IV entitled “Keeping Chickens in City” is hereby repealed and recreated as follows:

Sec. 4-100. ~~Permit required.~~ **Purpose**

(a) The purpose of this section is to establish regulations applicable to urban chicken keeping on single family lots and is intended to limit issues that might otherwise be associated with unregulated chicken keeping in neighborhoods. By providing reasonable regulations for chicken keeping on properties, the City can support sustainable activity while setting standards that are practical for chicken keepers and safe for neighbors. These regulations are designed to prevent nuisances and prevent conditions that are unsanitary or unsafe. No person shall keep chickens in the City unless the regulations hereunder are followed.

(b) Definitions. The following terms, when used in this Section, shall have the meanings set forth below:

"Abutting lot" shall mean all lots that the applicant's property comes into contact with at one or more points including properties located across from an alley. Properties located across from a public or private street shall not be consider abutting.

"Chicken" shall mean hens or pullets of the domestic sub-species Gallus Domesticus.

42 “Coop” means the housing enclosure, including a run, inhabited by one or more chickens, that is
43 constructed for that purpose. A coop shall be considered an accessory structure and thus will require
44 the acquisition of a building permit to construct on the lot.

45
46 “Lot” means a contiguous parcel of land under common ownership.

47
48 “Primary Residential Structure” shall mean any building located on a lot and used for
49 living purposes.

50
51 “Rooster” means a male chicken of any age, including a capon or otherwise neutered male chicken

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

58 For purposes of this article, the word "chicken," whether used in the singular or the plural, refers to
59 females of the subspecies Gallus gallus domesticus.

60 **Sec. 4-101- Neighborhood approval requirement procedure Permit Required.**

61 No person shall keep chickens in the city without obtaining a valid keeping of chickens permit
62 issued by the Inspection Department. The permit application may be subject to neighborhood notification
63 and approval and compliance with health and zoning codes, to include but not limited to Chapter 44,
64 Article V. The permit shall be renewed on an annual basis.

65 (a) Permit Application. The application shall include but not limited to, the following information:
66 name of applicant, property address, ownership status or authorization of use of property for keeping
67 of chickens from the property owner, contact telephone number and email, permit fee, home
68 premises livestock registration and scaled site plan with coop and run building dimensions consistent
69 with the regulations identified in this section.

70 1. A permit will not be issued without proof of Home Premises Livestock Registration with the
71 State of Wisconsin. All permit applications shall be accompanied by satisfactory evidence that
72 the applicant has registered the proposed location with the Wisconsin Department of
73 Agricultural Trade and Consumer Protection pursuant to Wisconsin Statutes and Wisconsin
74 Administrative Code.

75 2. A permit will not be issued to a tenant applicant without a landlord agreement as to
76 maintenance of the coop and chickens and their disposition after the applicant vacates the
77 rented premises.

78 3. Permits are personal to the applicant, non-transferrable, and do not attach to or run with the
79 land. Coops must be removed upon the sale of the property and vacation of the property owner
80 and/or applicant.

81 4. Applications shall be made to the Inspection Department and the permit fee for the permit,
82 shall be in the amount established by resolution and available for review on the annual fee
83 schedule on file.

84 5. Abutting property owner approval is required for a permit to be issued. The following process
85 shall be followed:

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

- 87 (a) ~~a. Once a permit application has been received is applied for, the property owner, if someone~~
88 ~~other than the applicant, and the property~~ owners of all abutting properties of the applicant
89 property either directly or diagonally abutting properties, including those across an alley, shall
90 be notified by the inspection department. ~~This shall be done~~ via first-class U.S. mail. In lieu of
91 the mailed notification, an applicant may provide a signed list of all abutting property owners
92 with their addresses indicating that the abutting property owners approve of the application.
- 93 (b) ~~b. For mailed notification, Pproperty~~ owners shall have 14 working business days to file a
94 written objection to the granting of a keeping of chicken permit and request ~~for a hearing. to~~
95 ~~the rules, laws and licensing committee if they object to the granting of a permit.~~
- 96 (c) ~~c. If a timely written objection and request for a hearing has been submitted to the Iinspection~~
97 ~~dDepartment, the rRules, lLaws and lLicensing eCommittee shall hold a hearing at the next~~
98 available scheduled meeting, within 14 days.
- 99 (d) ~~d. Within ten days of completion of the hearing conducted pursuant to subsection (c), the rules,~~
100 ~~laws, and licensing Inspection Department~~ shall mail to the objector and permit applicant ~~its~~
101 the Rules, Laws and Licensing Committee's specific written determination on the granting or
102 denial of the permit.
- 103 (e) ~~e. A hearing decision by the rRules, lLaws and lLicensing eCommittee may be appealed by~~
104 either party to the ~~eCommon eCouncil~~ within ten business days of the notice date through
105 written notice of appeal filed with the ~~eCity eClerk/tTreasurer.~~
- 106 (f) ~~f. Wis. Stats. ch. 68 shall not apply to such any hearing contained within this section nor shall~~
107 any other provision of state law or city ordinance to the contrary. The appellate procedure set
108 forth herein shall govern and be exclusive.

109
110 **Sec. 4-102. Keeping of chickens allowed.**

111 The keeping of up to ~~two~~ three chickens is allowed per single-family residential lot, provided the
112 following:

- 113 (a) Chickens shall be permitted on lots where the principal structure is a detached single-family
114 residence. Chickens shall not be permitted any other residential lot including multi-family.
- 115 (b) ~~If the residence is not owner-occupied the tenant shall supply the owner's written consent to the~~
116 ~~keeping of chickens on the property to the city.~~
- 117 (c) ~~No person shall keep any rooster.~~
- 118 (d) ~~No person shall slaughter any chicken or chickens.~~
- 119 (e) ~~(b) Feed and Water Standards Chickens shall be provided with fresh water at all times and~~
120 ~~adequate amounts of feed.~~
- 121 1. Chickens shall be provided with fresh water at all times and adequate amounts of feed.
- 122 2. The main food source for the chicken should be provided in dedicated containers and
123 scatter feeding is prohibited. No feed shall be on the ground.
- 124 3. All feed containers shall be made of metal and rodent-proof.
- 125 (f) ~~No feed shall be on the ground.~~
- 126 (g) (c) Sanitation Standards No feces shall be on the ground.
- 127 1. Every chicken coop is required to be kept in a clean, sanitary and odor free condition. All
128 chicken coops, shall be cleaned daily to keep them reasonable free from substances,

129 including but not limited to manure, uneaten feed, feathers, and other such waste so that it
130 does not cause the air or environment to become noxious or offensive or to be in such
131 condition as to promote the breeding of flies, mosquitoes, or other insects, or to provide
132 habitat, breeding or feeding place for rodents or other animals, or otherwise be injurious to
133 public health.

134
135 2. In addition to compliance with the requirements of this Section, no one shall keep chickens
136 that cause any other nuisance associated with unhealthy conditions, create a public health
137 threat, or otherwise interfere with the normal use of property or enjoyment of life by
138 humans or animals.

139
140 3. All chicken droppings shall be disposed properly and no feces shall be on the ground.

141
142 4. Chickens shall handled in a sanitary manner to prevent the spread of communicable
143 diseases among birds or to humans.

144
145 ~~(h) Chickens shall be provided with a sanitary and adequately sized covered enclosure, or coop,~~
146 ~~and shall be kept in the coop at all times.~~

147 (d) Coop Location, Setback and Zoning Requirements

148 ~~(i) 1. The coop shall be a stand-alone structure located in the rear yard only, at least 25 feet from~~
149 ~~all property lines and at least ten feet from the principal structure.~~

150 ~~2. The coop shall be located at least ten feet from the principal structure, no closer than three~~
151 ~~feet to a lot line and no closer than 25 feet to any primary residential structure on an~~
152 ~~abutting lot.~~

153 ~~3. The coop shall count towards the allowable number of accessory structures under Sec. 44-~~
154 ~~903(1).~~

155 ~~(j) No coop shall be located closer than 25 feet to any primary residential structure on an adjacent~~
156 ~~lot.~~

157 (e) Coop Building Requirements.

158 1. The coop shall provide adequate space for the number of chickens being kept. The
159 minimum square footage for a coop shall be 13 square feet per chicken kept. The total area of
160 the coop shall not exceed 64 square feet in an area.

161 2. The height of the coop shall not exceed ten feet.

162 3. The coop shall be constructed in a workmanlike manner, be moisture resistant, and raised off
163 the ground.

164 4. The coop must be provided with adequate heat, lighting and ventilation.

165 5. The coop shall be constructed with a permanent roof.

166 ~~(k) The coop shall not exceed 64 square feet in an area nor ten feet in height.~~

167 ~~(l) Chicken coops shall be constructed in a workmanlike manner, be moisture resistant and either~~
168 ~~raised up off the ground or placed on a hard surface such as concrete, patio block or gravel.~~

169 ~~(m) Chicken coops and yards shall be constructed and maintained to reasonably prevent the~~
170 ~~collection of standing water, and shall be cleaned of hen droppings, uneaten feed, feathers and~~

171 ~~other waste daily and as is necessary to ensure that the coop and yard do not become a health,~~
172 ~~odor or other nuisance.~~

173 ~~(n) No coop shall be located in the front yard, of a dwelling.~~

174 ~~(o) Chickens must be provided with adequate heat.~~

175 ~~(p) An electrical inspection shall be required.~~

176 ~~(q)(f) Other Restrictions. Chickens shall not be permitted in any other structure on the lot, including~~
177 ~~garages, basements and attics.~~

178 1. Chickens shall not be kept or maintained upon a vacant lot or inside a residential structures,
179 including basements, porches, garages, sheds or similar storage structures.

180 2. Chickens shall always be kept inside the coop.

181 3. The keeping of roosters is prohibited.

182 4. No person may slaughter any chickens on any residential property.

183 5. There shall be no breeding, hatching, or selling of live chickens.

184 6. Sale of eggs and baby chicks prohibited. Offsite sale of eggs is prohibited.

185 ~~(r) In addition to compliance with the requirements of this section, no one shall keep chickens that~~
186 ~~cause any nuisance, unhealthy condition, create a public health threat or otherwise interfere~~
187 ~~with the normal use of property or enjoyment of life by humans or animals.~~

188 **Sec. 4-103. Public health & nuisance requirements.**

189 ~~(a) Chickens shall be kept and handled in a sanitary manner to prevent the spread of~~
190 ~~communicable diseases among birds or to humans.~~

191 (a) No one shall keep chickens that cause any nuisance, unhealthy condition, create a public
192 health threat or otherwise interfere with the normal use of property or enjoyment of life by
193 humans.

194 (b) Any person keeping chickens shall immediately report any unusual illness or death of chickens
195 to the health department.

196 (c) The health department may order testing, quarantine, isolation, vaccination or humane
197 euthanasia of ill chickens or chickens believed to be a carrier of a communicable disease.

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

201 202 **Sec. 4-104 Permit revocation**

203 (a) A permit is subject to revocation upon failure to comply with any provision of this article.
204 Revocation of permits may be commenced by complaint filed by City staff acting in their official
205 capacity or by any property owner. Complaints shall be filed with the Inspection Department in
206 writing, specifying the reason for the complaint. The city shall revoke the license if more than two
207 substantiated violations of the City of Cudahy Code are received by the City within a 12-month
208 period. Once a permit is revoked, a permit shall not be reissued for a two-year period.

209
210 (b) If an investigation from the City reveals that the keeping of chickens on the property is in violation
211 of this section or any other section of this Code, the City shall have authority to require the owner

212 or user of the property to fix, abate, or alleviate the problem. If the problem is not satisfactorily
213 abated or alleviated the City shall have authority to revoke the chicken keeping permit.

214
215 **Sec. 4-105. Penalty**

216 (a) Any person who violates any provision of Article IV shall be subject to a forfeiture. The owner shall
217 forfeit not less than \$25.00 nor more than \$100.00 for the first offense and not less than \$50.00 nor
218 more than \$200.00 for subsequent offenses, upon default of the payment of such forfeiture and costs,
219 shall be imprisoned in the house of correction or county jail until the payment of such forfeiture and
220 costs of prosecution, but not exceeding 90 days for each violation. The police department, in
221 addition, shall have the authority to impound the animals found on the premises or in the household
222 that is in violation of the maximum number of dogs and/or cats permitted in this section, or which is
223 in an unsafe or unsanitary condition, all in accordance with the impounding provisions of Wis. Stats.
224 § 174.042.

225 (b) Any person who violates any provision of this article shall be subject to forfeiture. The owner shall
226 forfeit not less than \$250.00 nor more than \$2,000.00. Maintaining or keeping a dangerous animal
227 within the city limits after a finding in municipal court that the owner of that animal has violated any
228 provision of this article relating to dangerous animals is hereby declared to be a public nuisance. In
229 addition to the foregoing penalties assessed by the municipal court, any person who violates this
230 article shall pay to the city all expenses, including shelter, food, handling, veterinary care, witness
231 fees, and expenses necessitated by the enforcement of this article. All expenses charged may be
232 obtained through similar process as itemized in section 26-38.

233 (c) Except as otherwise provided in this section, any person who shall violate any provision of this
234 article, or any regulation, rule or order made herein, or who shall fail to obtain a license or permit as
235 required by this chapter, shall be subject to a penalty as provided in section 1-15.

236
237 **SECTION 2: SEVERABILITY**

238
239 The several sections of this ordinance are declared to be severable. If any section or portion thereof
240 shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision
241 shall apply only to the specific section or portion thereof directly specified in the decision, and shall not
242 affect the validity of any other provisions, sections, or portion thereof of the ordinance. The remainder of
243 the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with
244 the provisions of this ordinance are hereby repealed as to those terms that conflict.

245
246 **SECTION 3: EFFECTIVE DATE**

247 This ordinance shall take effect upon passage and publication as provided by law.

248
249
250 PASSED AND ADOPTED by the Common Council of the City of Cudahy, Milwaukee County, Wisconsin,
251 this _____ day of _____, 2023.

252
253 CITY OF CUDAHY

254
255
256
257
258 _____
259 **THOMAS PAVLIC, Mayor**

Attest:

260

261

262 _____

263 **KELLY SOBIESKI**, City Clerk/Treasurer

264

265 ADOPTED _____

266 APPROVED _____

267 PUBLISHED _____

DRAFT

ORDINANCE NO. _____

**AN ORDINANCE TO REPEAL AND RECREATE ARTICLE IV
KEEPING OF CHICKENS IN THE CITY OF CUDAHY MUNICIPAL CODE**

WHEREAS, the City of Cudahy allows for the keeping of chickens in residential neighborhoods on properties with single family dwellings through an ordinance adopted on December 18, 2018; and

WHEREAS, the regulation of keeping chickens in intended to provide reasonable conditions and restrictions that allow for the practical use of a property for the keeping of chickens; and

WHEREAS, the City has found it necessary to revise the standards and regulations for keeping chickens, to clarify the process and standards required to obtain a permit to keep chickens and to strength the permit revocation process for failure of permit holders to meet the requirements of the ordinance; and

WHEREAS, the Board of Health; the Rules, Laws and Licensing Committee and the Common Council has reviewed an ordinance and intends to adopt the revisions to aid in enforcement and thereby protect the health, safety and welfare of persons and property in the City of Cudahy;

NOW, THEREFORE, the Common Council of City of Cudahy, Milwaukee County, Wisconsin, does hereby ordain as follows:

SECTION 1: Chapter 4 of the City of Cudahy City Code entitled “Animals,” Article IV entitled “Keeping Chickens in City” is hereby repealed and recreated as follows:

Sec. 4-100. Purpose

(a) The purpose of this section is to establish regulations applicable to urban chicken keeping on single family lots and is intended to limit issues that might otherwise be associated with unregulated chicken keeping in neighborhoods. By providing reasonable regulations for chicken keeping on properties, the City can support sustainable activity while setting standards that are practical for chicken keepers and safe for neighbors. These regulations are designed to prevent nuisances and prevent conditions that are unsanitary or unsafe. No person shall keep chickens in the City unless the regulations hereunder are followed.

(b) Definitions. The following terms, when used in this Section, shall have the meanings set forth below:

"Abutting lot" shall mean all lots that the applicant’s property comes into contact with at one or more points including properties located across from an alley. Properties located across from a public or private street shall not be consider abutting.

“Chicken” shall mean hens or pullets of the domestic sub-species Gallus Domesticus.

42 “Coop” means the housing enclosure, including a run, inhabited by one or more chickens, that is
43 constructed for that purpose. A coop shall be considered an accessory structure and thus will require
44 the acquisition of a building permit to construct on the lot.

45
46 “Lot” means a contiguous parcel of land under common ownership.

47
48 “Primary Residential Structure” shall mean any building located on a lot and used for
49 living purposes.

50
51 “Rooster” means a male chicken of any age, including a capon or otherwise neutered male chicken

52 **Sec. 4-101- Permit Required.**

53 No person shall keep chickens in the city without obtaining a valid keeping of chickens permit
54 issued by the Inspection Department. The permit application may be subject to neighborhood notification
55 and approval and compliance with health and zoning codes, to include but not limited to Chapter 44,
56 Article V. The permit shall be renewed on an annual basis.

57 (a) Permit Application. The application shall include but not limited to, the following information:
58 name of applicant, property address, ownership status or authorization of use of property for keeping
59 of chickens from the property owner, contact telephone number and email, permit fee, home
60 premises livestock registration and scaled site plan with coop and run building dimensions consistent
61 with the regulations identified in this section.

- 62 1. A permit will not be issued without proof of Home Premises Livestock Registration with the
63 State of Wisconsin. All permit applications shall be accompanied by satisfactory evidence that
64 the applicant has registered the proposed location with the Wisconsin Department of
65 Agricultural Trade and Consumer Protection pursuant to Wisconsin Statutes and Wisconsin
66 Administrative Code.
- 67 2. A permit will not be issued to a tenant applicant without a landlord agreement as to
68 maintenance of the coop and chickens and their disposition after the applicant vacates the
69 rented premises.
- 70 3. Permits are personal to the applicant, non-transferrable, and do not attach to or run with the
71 land. Coops must be removed upon the sale of the property and vacation of the property owner
72 and/or applicant.
- 73 4. Applications shall be made to the Inspection Department and the permit fee for the permit,
74 shall be in the amount established by resolution and available for review on the annual fee
75 schedule on file.
- 76 5. Abutting property owner approval is required for a permit to be issued. The following process
77 shall be followed:
 - 78 a. Once a permit application has been received the property owners of all abutting properties
79 of the applicant property either shall be notified by the inspection department via first-class
80 U.S. mail. In lieu of the mailed notification, an applicant may provide a signed list of all
81 abutting property owners with their addresses indicating that the abutting property owners
82 approve of the application.
 - 83 b. For mailed notification, property owners shall have 14 business days to file a written
84 objection to the granting of a keeping of chicken permit and request a hearing.

- 85 c. If a timely written objection and request for a hearing has been submitted to the Inspection
86 Department, the Rules, Laws and Licensing Committee shall hold a hearing at the next
87 available scheduled meeting.
- 88 d. Within ten days of completion of the hearing conducted pursuant to subsection (c), the
89 Inspection Department shall mail to the objector and permit applicant the Rules, Laws and
90 Licensing Committee's specific written determination on the granting or denial of the
91 permit.
- 92 e. A hearing decision by the Rules, Laws and Licensing Committee may be appealed by either
93 party to the Common Council within ten business days of the notice date through written
94 notice of appeal filed with the City Clerk/Treasurer.
- 95 f. Wis. Stats. ch. 68 shall not apply to such any hearing contained within this section nor shall
96 any other provision of state law or city ordinance to the contrary. The appellate procedure
97 set forth herein shall govern and be exclusive.

98 **Sec. 4-102. Keeping of chickens allowed.**

99 The keeping of up to three chickens is allowed per single-family residential lot, provided the
100 following:

- 101 (a) Chickens shall be permitted on lots where the principal structure is a detached single-family
102 residence. Chickens shall not be permitted any other residential lot including multi-family.
- 103 (b) Feed and Water Standards
- 104 1. Chickens shall be provided with fresh water at all times and adequate amounts of feed.
- 105 2. The main food source for the chicken should be provided in dedicated containers and
106 scatter feeding is prohibited. No feed shall be on the ground.
- 107 3. All feed containers shall be made of metal and rodent-proof.
- 108 (c) Sanitation Standards
- 109 1. Every chicken coop is required to be kept in a clean, sanitary and odor free condition. All
110 chicken coops, shall be cleaned daily to keep them reasonable free from substances,
111 including but not limited to manure, uneaten feed, feathers, and other such waste so that it
112 does not cause the air or environment to become noxious or offensive or to be in such
113 condition as to promote the breeding of flies, mosquitoes, or other insects, or to provide
114 habitat, breeding or feeding place for rodents or other animals, or otherwise be injurious to
115 public health.
- 116
- 117 2. In addition to compliance with the requirements of this Section, no one shall keep chickens
118 that cause any other nuisance associated with unhealthy conditions, create a public health
119 threat, or otherwise interfere with the normal use of property or enjoyment of life by
120 humans or animals.
- 121
- 122 3. All chicken droppings shall be disposed properly and no feces shall be on the ground.
- 123
- 124 4. Chickens shall be handled in a sanitary manner to prevent the spread of communicable
125 diseases among birds or to humans.
- 126
- 127 (d) Coop Location, Setback and Zoning Requirements

- 128 1. The coop shall be a stand-alone structure located in the rear yard only.
129 2. The coop shall be located at least ten feet from the principal structure, no closer than three
130 feet to a lot line and no closer than 25 feet to any primary residential structure on an
131 abutting lot.
132 3. The coop shall count towards the allowable number of accessory structures under Sec. 44-
133 903(1).

134 (e) Coop Building Requirements.

- 135 1. The coop shall provide adequate space for the number of chickens being kept. The
136 minimum square footage for a coop shall be 13 square feet per chicken kept. The total area of
137 the coop shall not exceed 64 square feet in an area.
138 2. The height of the coop shall not exceed ten feet.
139 3. The coop shall be constructed in a workmanlike manner, be moisture resistant, and raised off
140 the ground.
141 4. The coop must be provided with adequate heat, lighting and ventilation.
142 5. The coop shall be constructed with a permanent roof.

143 (f) Other Restrictions.

- 144 1. Chickens shall not be kept or maintained upon a vacant lot or inside a residential structures,
145 including basements, porches, garages, sheds or similar storage structures.
146 2. Chickens shall always be kept inside the coop.
147 3. The keeping of roosters is prohibited.
148 4. No person may slaughter any chickens on any residential property.
149 5. There shall be no breeding, hatching, or selling of live chickens.
150 6. Sale of eggs and baby chicks prohibited. Offsite sale of eggs is prohibited.

151 **Sec. 4-103. Public health & nuisance requirements.**

- 152 (a) No one shall keep chickens that cause any nuisance, unhealthy condition, create a public
153 health threat or otherwise interfere with the normal use of property or enjoyment of life by
154 humans.
155 (b) Any person keeping chickens shall immediately report any unusual illness or death of chickens
156 to the health department.
157 (c) The health department may order testing, quarantine, isolation, vaccination or humane
158 euthanasia of ill chickens or chickens believed to be a carrier of a communicable disease.

159
160 **Sec. 4-104 Permit revocation**

- 161 (a) A permit is subject to revocation upon failure to comply with any provision of this article.
162 Revocation of permits may be commenced by complaint filed by City staff acting in their
163 official capacity or by any property owner. Complaints shall be filed with the Inspection
164 Department in writing, specifying the reason for the complaint.
165
166 (b) If an investigation from the City reveals that the keeping of chickens on the property is in
167 violation of this section or any other section of this Code, the City shall have authority to

168 require the owner or user of the property to fix, abate, or alleviate the problem. If the problem
169 is not satisfactorily abated or alleviated the City shall have authority to revoke the chicken
170 keeping permit.

171
172 **Sec. 4-105. Penalty**

- 173 (a) Any person who violates any provision of Article IV shall be subject to a forfeiture. The
174 owner shall forfeit not less than \$25.00 nor more than \$100.00 for the first offense and not less
175 than \$50.00 nor more than \$200.00 for subsequent offenses, upon default of the payment of
176 such forfeiture and costs, shall be imprisoned in the house of correction or county jail until the
177 payment of such forfeiture and costs of prosecution, but not exceeding 90 days for each
178 violation. The police department, in addition, shall have the authority to impound the animals
179 found on the premises or in the household that is in violation of the maximum number of dogs
180 and/or cats permitted in this section, or which is in an unsafe or unsanitary condition, all in
181 accordance with the impounding provisions of Wis. Stats. § 174.042.
- 182 (b) Any person who violates any provision of this article shall be subject to forfeiture. The owner
183 shall forfeit not less than \$250.00 nor more than \$2,000.00. Maintaining or keeping a
184 dangerous animal within the city limits after a finding in municipal court that the owner of that
185 animal has violated any provision of this article relating to dangerous animals is hereby
186 declared to be a public nuisance. In addition to the foregoing penalties assessed by the
187 municipal court, any person who violates this article shall pay to the city all expenses,
188 including shelter, food, handling, veterinary care, witness fees, and expenses necessitated by
189 the enforcement of this article. All expenses charged may be obtained through similar process
190 as itemized in section 26-38.
- 191 (c) Except as otherwise provided in this section, any person who shall violate any provision of
192 this article, or any regulation, rule or order made herein, or who shall fail to obtain a license or
193 permit as required by this chapter, shall be subject to a penalty as provided in section 1-15.

194
195 **SECTION 2: SEVERABILITY**

196
197 The several sections of this ordinance are declared to be severable. If any section or portion thereof
198 shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision
199 shall apply only to the specific section or portion thereof directly specified in the decision, and shall not
200 affect the validity of any other provisions, sections, or portion thereof of the ordinance. The remainder of
201 the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with
202 the provisions of this ordinance are hereby repealed as to those terms that conflict.

203
204 **SECTION 3: EFFECTIVE DATE**

205 This ordinance shall take effect upon passage and publication as provided by law.

206
207
208 PASSED AND ADOPTED by the Common Council of the City of Cudahy, Milwaukee County, Wisconsin,
209 this _____ day of _____, 2023.

210
211 CITY OF CUDAHY
212
213
214
215

216

THOMAS PAVLIC, Mayor

217 Attest:

218

219

220 _____

221 **KELLY SOBIESKI, City Clerk/Treasurer**

222

223 ADOPTED _____

224 APPROVED _____

225 PUBLISHED _____

DRAFT