

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Chapter 4 of the City of Cudahy City Code entitled “Animals,” Article IV entitled “Keeping Chickens in City” is hereby repealed and recreated as follows: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

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

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

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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.

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 directly or diagonally, including those across an alley, shall  
80 be notified by the inspection department via first-class U.S. mail. In lieu of the mailed  
81 notification, an applicant may provide a signed list of all abutting property owners with  
82 their addresses indicating that the abutting property owners 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

109 1. Every chicken coop and maintain the required enclosure in a clean, sanitary and odor free  
110 condition. All chicken enclosures, attached runs and yards where chickens are kept or  
111 maintained shall be cleaned regularly to keep them reasonable free from substances,  
112 including but not limited to manure, uneaten feed, feathers, and other such waste so that it  
113 does not cause the air or environment to become noxious or offensive or to be in such  
114 condition as to promote the breeding of flies, mosquitoes, or other insects, or to provide  
115 habitat, breeding or feeding place for rodents or other animals, or otherwise be injurious to  
116 public health.

117  
118 2. In addition to compliance with the requirements of this Section, no one shall keep chickens  
119 that cause any other nuisance associated with unhealthy conditions, create a public health  
120 threat, or otherwise interfere with the normal use of property or enjoyment of life by  
121 humans or animals.

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

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125 (d) Location, Setback and Zoning Requirements

126 1. The coop shall be a stand-alone structure located in the rear yard only.

- 127 2. The coop shall conform to the setback requirements found under Sec. 44-903 of this code  
128 for accessory structures. The coop located at least ten feet from the principal structure and  
129 no closer than three feet to a lot line.
- 130 3. The coop shall count towards the allowable number of accessory structures under Sec. 44-  
131 903(1).
- 132 4. No coop shall be located closer than 25 feet to any primary residential structure on an  
133 abutting lot.

134 (e) Building Requirements.

- 135 1. The coop shall not exceed 64 square feet in an area and the height shall not exceed ten feet.
- 136 2. Coops shall be constructed in a workmanlike manner, be moisture resistant, and either raised  
137 up off the ground or placed on a hard surface such as concrete or patio block.
- 138 3. Coops and chickens must be provided with adequate heat.

139 (f) Other Restrictions.

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

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

- 148 (a) Chickens shall be kept and handled in a sanitary manner to prevent the spread of  
149 communicable diseases among birds or to humans.
- 150 (b) Any person keeping chickens shall immediately report any unusual illness or death of chickens  
151 to the health department.
- 152 (c) The health department may order testing, quarantine, isolation, vaccination or humane  
153 euthanasia of ill chickens or chickens believed to be a carrier of a communicable disease.
- 154 (d) Proof of livestock premises registration with the Wisconsin Department of Agriculture, Trade  
155 and Consumer Protection shall be provided to the inspection department for every issuance or  
156 renewal of said license.
- 157 (e) No one shall keep chickens that cause any nuisance, unhealthy condition, create a public  
158 health threat or otherwise interfere with the normal use of property or enjoyment of life by  
159 humans.

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161 **Sec. 4-104 Permit revocation**

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- 163 (a) A permit is subject to revocation upon failure to comply with any provision of this article.  
164 Revocation of permits may be commenced by complaint filed by City staff acting in their official  
165 capacity or by any abutting property owner. Complaints shall be filed with the Inspection  
166 Department in writing, specifying the reason for the complaint.

- 167 (b) The City may revoke the permit if more than two substantiated violations are received by the City  
168 within a consecutive 12 month period of this or any other section of this Code.
- 169 (c) If the Health Department or Inspection Department determine that conditions are unsanitary, or if  
170 for any reason a nuisance exists, the City shall have authority to order the owner or occupant of the  
171 premises to abate the nuisance and the permit issued shall be revoked and it shall thereupon be  
172 unlawful to keep such chickens on the premises after revocation.
- 173 (d) If an investigation from the City reveals that the use of chickens is in violation of this section or any  
174 other section of this Code, the City shall have authority to require the owner or user of the property  
175 to fix, abate, or alleviate the problem. If the problem is not satisfactorily abated or alleviated the  
176 City shall have authority to revoke the permit.

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178 **Sec. 4-105. Penalty**

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

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200 **SECTION 2: SEVERABILITY**

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

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209 **SECTION 3: EFFECTIVE DATE**

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

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213 PASSED AND ADOPTED by the Common Council of the City of Cudahy, Milwaukee County, Wisconsin,  
214 this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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CITY OF CUDAHY

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**THOMAS PAVLIC**, Mayor

222 Attest:

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**KELLY SOBIESKI**, City Clerk/Treasurer

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ADOPTED \_\_\_\_\_

APPROVED \_\_\_\_\_

PUBLISHED \_\_\_\_\_

DRAFT