

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Chapter 4 of the City of Cudahy City Code entitled “Animals,” Article IV entitled “Keeping Chickens in City” is hereby repealed and recreated as follows: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

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.

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/rTreasurer~~.
- 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 No fees shall be on the ground.
- 127 1. Every chicken coop and maintain the required enclosure in a clean, sanitary and odor free  
128 condition. All chicken enclosures, attached runs and yards where chickens are kept or

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

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

140 3. All chicken droppings shall be disposed properly and no feces shall be on the ground.  
141 ~~(h) Chickens shall be provided with a sanitary and adequately sized covered enclosure, or coop,~~  
142 ~~and shall be kept in the coop at all times.~~

143  
144 (d) Location, Setback and Zoning Requirements

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

147 2. The coop shall conform to the setback requirements found under Sec. 44-903 of this code  
148 for accessory structures. The coop located at least ten feet from the principal structure and  
149 no closer than three feet to a lot line.

150 3. The coop shall count towards the allowable number of accessory structures under Sec. 44-  
151 903(1).

152 4. No coop shall be located closer than 25 feet to any primary residential structure on an  
153 abutting lot.

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

156 (e) Building Requirements.

157 1. The coop shall not exceed 64 square feet in an area and the height shall not exceed ten feet.

158 2. Coops shall be constructed in a workmanlike manner, be moisture resistant, and either raised  
159 up off the ground or placed on a hard surface such as concrete or patio block.

160 3. Coops and chickens must be provided with adequate heat.

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

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

164 ~~(m) Chicken coops and yards shall be constructed and maintained to reasonably prevent the~~  
165 ~~collection of standing water, and shall be cleaned of hen droppings, uneaten feed, feathers and~~  
166 ~~other waste daily and as is necessary to ensure that the coop and yard do not become a health,~~  
167 ~~odor or other nuisance.~~

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

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

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

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

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

175 2. The keeping of roosters is prohibited.

176 3. No person may slaughter any chickens on any residential property.

177 4. There shall be no breeding, hatching, or selling of live chickens.

178 5. Sale of eggs and baby chicks prohibited. Offsite sale of eggs is prohibited.

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

182 **Sec. 4-103. Public heath & nuisance requirements.**

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

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

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

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

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

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

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

204 (b) The City may revoke the permit if more than two substantiated violations are received by the City  
205 within a consecutive 12 month period of this or any other section of this Code.

206 (c) If the Health Department or Inspection Department determine that conditions are unsanitary, or if  
207 for any reason a nuisance exists, the City shall have authority to order the owner or occupant of the  
208 premises to abate the nuisance and the permit issued shall be revoked and it shall thereupon be  
209 unlawful to keep such chickens on the premises after revocation.

210  
211 (d) If an investigation from the City reveals that the use of chickens is in violation of this section or any  
212 other section of this Code, the City shall have authority to require the owner or user of the property

213 to fix, abate, or alleviate the problem. If the problem is not satisfactorily abated or alleviated the  
214 City shall have authority to revoke the permit.

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

217 (a) Any person who violates any provision of Article IV shall be subject to a forfeiture. The owner shall  
218 forfeit not less than \$25.00 nor more than \$100.00 for the first offense and not less than \$50.00 nor  
219 more than \$200.00 for subsequent offenses, upon default of the payment of such forfeiture and costs,  
220 shall be imprisoned in the house of correction or county jail until the payment of such forfeiture and  
221 costs of prosecution, but not exceeding 90 days for each violation. The police department, in  
222 addition, shall have the authority to impound the animals found on the premises or in the household  
223 that is in violation of the maximum number of dogs and/or cats permitted in this section, or which is  
224 in an unsafe or unsanitary condition, all in accordance with the impounding provisions of Wis. Stats.  
225 § 174.042.

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

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

237  
238 **SECTION 2: SEVERABILITY**

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

246  
247 **SECTION 3: EFFECTIVE DATE**

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

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

253  
254 CITY OF CUDAHY

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256  
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259 \_\_\_\_\_  
260 **THOMAS PAVLIC, Mayor**

Attest:

261

262

263 \_\_\_\_\_

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

265

266 ADOPTED \_\_\_\_\_

267 APPROVED \_\_\_\_\_

268 PUBLISHED \_\_\_\_\_

DRAFT