

COMMON COUNCIL  
CITY OF WAUPUN, WISCONSIN

ORDINANCE # 19-03

AN ORDINANCE TO AMEND CHAPTER EIGHT OF THE MUNICIPAL CODE OF THE CITY OF  
WAUPUN ENTITLED "ORDERLY CONDUCT."

THE COMMON COUNCIL OF THE CITY OF WAUPUN ORDAINS:

SECTION 1: Section 8.02(8) (b) of the Municipal Code of the City of Waupun  
entitled "Exceptions" is amended to add the following subsection:


5. Chickens as permitted under Section 8.025 below.

SECTION 2: Chapter Eight of the Municipal Code of the City of Waupun entitled  
"ORDERLY CONDUCT" is amended to create a new Section 8.025 as attached.

SECTION 3: All ordinances or portions of ordinances inconsistent with the provisions  
of this ordinance are repealed.

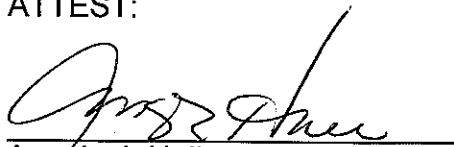
SECTION 4: This Ordinance shall be in full force and effect on its passage and  
publication as provided by law.

Enacted this 11<sup>th</sup> day of June, 2019.



Julie J. Nickel  
Mayor

ATTEST:



Angela J. Hull  
City Clerk



## 8.25. REGULATION OF CHICKENS.

(1) **PURPOSE AND INTENT.** The purpose of this Section 8.025 is to specify conditions under which City residents may safely keep or maintain a limited number of chickens, to assure appropriate chicken coops or structures in which to house chickens, and to protect the health, safety, and welfare of the general population of the City of Waupun. This section shall be liberally construed to give effect to these purposes.

(2) **DEFINITIONS.** In this Section 8.025, the following terms shall have the meaning indicated:

(a) Abutting Property. All property that abuts an applicant's property at one or more points except public streets, roads or real estate owned by the City.

(b) Backyard. That portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family structure and extending to the two side lot lines.

(c) Chicken. A female hen of any age, including chicks, being of the subspecies *Gallus Gallus Domesticus*. This definition does not include other kinds of fowl, such as ducks, quail, pheasant, geese, turkeys, guinea hens, peacocks, emus, or ostriches.

(d) Coop. An enclosed structure, building or pen within which chickens roost or are housed.

(e) Educational Facility. Any building used principally for educational purposes in which a school is located or a course of instruction or training program is offered that has been approved or licensed by a state agency or board, but excluding a home-based educational program that is operated from a residential dwelling.

(3) KEEPING OF CHICKENS. Chickens may be kept or maintained within the municipal limits of the City, subject to all of the requirements and restrictions imposed in this Section 8.025.

(a) Except as otherwise restricted in subsection (4) below, and subject to the permit requirements specified in subsection (5) below, up to four (4) chickens may be raised on lots zoned as follows: R-1 Single Family Residential; R-2 Two-Family Residential; R-4 Central Area Single-Family Residential; and R-5 Mixed Residential.

(b) Educational facilities may keep or maintain up to twenty-five (25) chickens for educational purposes only, on obtaining prior written approval of the Waupun City Administrator.

(c) Chickens may be temporarily kept or maintained for special purposes such as a public picnic and other special events, on obtaining prior written approval of the Waupun City Administrator, which approval shall specify the duration in which chickens may be maintained for this purpose.

(d) Chickens may be kept or maintained in a local veterinarian's office for the purpose of observation or treatment.

(e) This Section 8.025 is not intended to alter or supersede any restrictive covenants or land use restrictions that are otherwise applicable to any property for which a permit is sought.

(4) PROHIBITED AREAS. The keeping or maintaining of chickens shall be expressly prohibited as follows:

(a) On vacant lots, unless the permit holder maintains his or her primary residence on abutting property and the lots have been joined as one tax parcel so the coop is located on the same lot as that of the principle structure or use.

(b) On any property zoned R-6 Mobile Home or R-7 Single-Family Manufactured Home. Also within mobile home or manufactured home parks, regardless of zoning classification.

(c) In any non-residential zoning district, except on obtaining prior authorization by Resolution of the Waupun Common Council.

(d) On lots on which condominiums are located, regardless of the zoning classification.

(e) On any property that is non-owner occupied or leased by a third party.

(5) PERMIT REQUIREMENTS.

(a) No person shall own, keep or maintain chickens within the corporate limits of the City without first obtaining a permit, except that educational facilities shall be exempt from the permit requirement. Permits shall be issued to City residents only. No more than ten (10) permits shall be issued and outstanding at any one time. Permits shall be issued exclusively on a first-come, first-served

basis. No permit shall be issued to any applicant who has an outstanding fine, fee, charge or overdue assessment owing to the City or the Waupun Utilities. No initial or renewal permit shall be issued unless the applicant provides written proof of having a current livestock premises registration on file with the Wisconsin Department of Agriculture, Trade and Consumer Protection.

(b) Prior to obtaining a permit, the applicant shall provide written notification of the application to all abutting property owners, and all such property owners and their respective addresses shall be included with the permit application. The applicant shall certify in the application that all such property owners have been so notified. No permit shall be issued unless all owners of abutting property have signed a written statement giving approval of the permit application. No permit shall be issued to any property owner who is subject to an outstanding building or other code enforcement order, or where the property owner has received a citation within the past three (3) years for a violation of Section 13.47 of the Waupun Municipal Code pertaining to minimum standards for property maintenance.

#### (6) PERMIT TERM AND FEES.

(a) Permits shall be granted for a term of not more than one (1) year, commencing on January 1st or the date of issuance, whichever is later, and ending on the following December 31<sup>st</sup>. Permits shall be renewed annually. Permits shall not be assigned or otherwise transferred to any other applicant or property.

(b) The annual permit fee for keeping and maintaining chickens shall be set by resolution of the Common Council from time to time, and the permit fee must

be paid to the City Clerk at the time of application. This fee shall not be prorated for a partial year.

(b) All renewal permit applications and fees shall be due no later than January 1st of the permit year. Failure to timely renew the permit application will result in forfeiture of the permit. In the event of permit revocation or non-renewal, any holder seeking to re-apply shall be required to meet all initial requirements for obtaining a permit under this Section 8.025, including without limitation, those requirements set forth in subsection (5) above.

**(7) CHICKEN COOP LOCATION, DESIGN AND MAINTENANCE.**

(a) A coop and any attached enclosure shall be located only in the rear yard of the permit holder's residence. In addition, a coop and any attached enclosure shall not be closer than fifteen (15) feet to the side and rear property line or any residence on abutting property.

(b) All chickens shall be kept and maintained within a ventilated and roofed coop in compliance with any applicable state and local requirements. All coops, including an attached coop enclosure, shall be enclosed with wire netting or equivalent material that will prevent chickens from escaping the coop or the attached enclosure. The coop structural floor shall be constructed to allow not less than four (4) square feet nor more than eight (8) square feet per chicken, and the height of the coop shall not exceed six feet above ground level. The coop shall have a clear open space to allow the chickens to walk on the ground or a concrete slab.

(c) All coops and adjacent lot areas shall be maintained reasonably free from chicken-produced substances, including but not limited to chicken manure, such that the air or environment around the chickens does not become noxious or offensive or create a condition that would reasonably promote the breeding of flies, mosquitoes, or other insects, or provide a habitat or breeding or feeding place for rodents or other animals, or otherwise be injurious to public health.

(8) SANITATION AND GENERAL REQUIREMENTS. Any person keeping chickens shall comply with the following requirements:

(a) No roosters or male chickens shall be kept or maintained at any time.

(b) No free-ranging of chickens shall be permitted, but all chickens shall at all times be kept within a ventilated and roofed outdoor coop or an attached coop enclosure as specified in subsection (7) above. Chickens shall not be permitted inside a residential premises or dwelling, except that newborn chickens (chicks) up to the age of three weeks may be kept in a residence or outbuilding.

(c) Chickens shall be provided with access to adequate feed and clean water at all times. Chicken feed shall be stored and kept in containers which make the feed inaccessible to rodents, vermin, wild birds, and other predators.

(d) No eggs shall be sold or exchanged for value, except those chickens that produce eggs while kept and maintained at an educational facility.

(e) Deceased chickens shall be disposed of immediately after death in a safe manner, which may include trash disposal after placing the deceased chicken

in a plastic bag or container that is sealed from leaking. No chickens shall be slaughtered on the premises.

(f) A permit holder shall consult with a veterinarian with respect to chickens that appear ill or on the occasion of a sudden death. If a disease that would be contagious to humans is diagnosed, the permit holder shall comply with all recommendations of a licensed veterinarian so as to ensure prevention of transmission of a disease. A permit holder shall immediately report unusual illness or death of chickens to the County Health Department.

(g) The permit holder shall fully comply with all federal and state regulations in regard to the raising of urban chickens at all times.

**(9) INSPECTION, PENALTIES AND ENFORCEMENT.**

(a) Inspection. The City Zoning Administrator shall make an initial inspection of the coop and any attached enclosures prior to any time in which chickens are kept or maintained on the property. The City shall have the power, whenever it may deem reasonably necessary, to enter a building, structure, or property where chickens are kept to ascertain whether the keeper is in compliance with this Section 8.025.

(b) Enforcement. Any City officer so designated by the Waupun Common Council may issue compliance orders and citations pursuant to the provisions of this Section 8.025. The City shall revoke a permit to keep chickens in the event that the City has issued two or more violations of this Section 8.025 within any six-month period. All chickens, coops and attached enclosures shall be removed by



permit holder within seven (7) calendar days of any permit revocation or non-renewal.

(c) Penalties. Any person who violates this Section 8.025 shall be subject to a forfeiture of \$250.00 for the first violation and \$500.00 for each subsequent violation. Each day that a violation of this Section 8.025 continues shall be deemed a separate violation. Any chickens found to be the subject of a violation of this Section 8.025 shall be subject to immediate seizure and impoundment and may be removed from the City by City officials in the event that the owner or keeper fails to timely remove the chicken as required in subsection (b) above. In addition to the foregoing penalties, any person who violates this Section 8.025 shall pay all expenses, including shelter, food, handling and veterinary care, necessitated by enforcement of this provision.