

CHICKEN KEEPING

RULES AND REGULATIONS

Incorporated into Sec. 3-52 and adopted
pursuant to Sec. 7-28, Appleton Municipal Code

~~April 26, 2017~~

In conjunction with the adoption of Sec. 3-52(d), the following rules, regulations and restrictions are hereby adopted:

1. Persons desiring to keep chickens within the City of Appleton shall obtain an annual permit from the Health Department. Fees for said permits shall be on file with the Health Department. Before a permit is issued, the applicant must provide a plan on the form provided by the City that includes a detailed diagram of the coop location including distances from nearby structures on neighboring properties, coop design and materials plan, a plan to dispose of manure in a safe and adequate manner and comply with Wisconsin Department of Agriculture, Trade and Consumer Protection's premises registration program. ~~Upon receiving a completed application, the Health Department will notify all property owners immediately abutting the property where the chickens will be kept, including those properties diagonally abutting the subject property, including properties located across an alley but not including properties located across a street. Property owners written objections must be received within 14 working days and contain the name, address, phone number and reason for the objection.~~
- ~~2. Upon receipt of written objection, the application shall be denied by the Health Officer. The applicant may appeal this decision to the Safety and Licensing committee per APPEALS Section ten (10) below.~~
- ~~3~~2. The keeping of up to ~~4~~6 chickens, with a permit is allowed on single family or two family dwellings only. Permits will not be allowed on commercial or mixed-use occupancies.
- ~~4~~3. The term "chicken" used throughout these regulations shall exclusively mean a female gallinaceous bird or hen of any age (including chicks). The term "chicken" does not include roosters or other kinds of fowl, including but not limited to, ducks, quail, grouse pheasant, turkeys, peacocks, emus, ostriches or the like.
- ~~5~~4. Property Requirements
 - a. Written permission from the property owner is required if the permit applicant does not own the property where chickens will be kept.

- b. Chickens shall not be kept or maintained upon a vacant lot, inside a residential dwelling unit including basements, porches, garages, sheds or similar storage structures.
- c. A coop shall be located in the rear yard of the license holder's residence. For purposes of these regulations, "rear yard" shall be defined by the Zoning Code Chapter 23.
- d. Coop and chicken run placement shall be at a minimum of, but not limited to, a three (3) foot setback from side and rear yard lot lines. If not attached to an accessory structure such as a garage or shed, coop placement must be a minimum of 10 feet from any structure of the parcel. In addition, coops shall not be closer than twenty-five feet to a residential dwelling, church, school or business on an abutting lot.

65. Coop Design

- a. All chickens shall be kept and maintained within a ventilated and roofed coop in compliance with any applicable city codes.
- b. The coop's structural floor area shall be no less than ~~three-two (32)~~ square feet per bird, and the height of the coop shall not exceed eight (8) linear feet as measured vertically from the coop's grade level to the outside highest point of the coop.
- c. All coops, including an attached chicken run enclosure, shall be enclosed with wire netting or equivalent material that prevents chickens from escaping the coop and predators from entering the coop. The chicken run enclosure shall be limited to a maximum of ~~24-100~~ square feet.
- d. Coops shall be built in a workmanlike manner with quality materials and shall be moisture resistant.
- e. All coop floors shall be composed of a hard, cleanable surface, e.g., painted or sealed wood, linoleum, hard plastic, and shall be resistant to rodents, therefore, a dirt floor is not acceptable.
- f. Coops shall be entirely removed from the property within thirty (30) days of a previously issued permit expiring and not being renewed.

76. Conditions for Keeping and Sanitation

- a. Not more than ~~four-six (46)~~ chickens may be kept on a property.

- b. Chickens shall be kept or maintained within a coop or attached chicken run enclosure at all times and be provided with adequate water, feed and shelter.
- c. Deceased chickens shall be disposed of immediately in a safe manner, which may include trash disposal after placing the deceased chicken in a sealed bag.
- d. ***Unusual illness or death of chickens shall be immediately reported to the Health Department.***
- e. Offsite sale of eggs is prohibited except as otherwise permitted by the State of Wisconsin and USDA.
- f. Coops and chicken runs shall be cleaned of hen droppings, uneaten feed, feathers and other waste as necessary to ensure the birds health and minimize odor and other nuisances.
- g. Feed shall be stored in containers which make the feed inaccessible to rodents, vermin, wild birds and predators.
- h. Culling of chickens kept pursuant to a permit, on the permit holder's property, is permissible.

87. Permits and Fees

- a. Permits shall be issued on an annual basis and expire on December 31st.
- b. Permits shall not be transferrable and license application fees shall not be prorated or refundable.
- c. The Health Officer, or designee thereof, is authorized to issue a permit pursuant to this section upon the applicant satisfying all requirements set forth herein and upon confirmation from Health and/or the Building Inspections Department that all set back requirements are met and all work requiring permits has been completed.
- d. Applications that are not approved shall, upon written request from the applicant, and received by the Health Officer within **fifteen (15) days** of denial, be reviewed by the Safety and Licensing Committee at its next regularly scheduled meeting.

98. Enforcement

- a. Permits for the keeping of chickens are issued by the Health Department. The Health Department, Police Department and Inspections Division of the Public

Works Department shall also have jurisdiction to investigate and enforce any failure to comply with these requirements. These departments may issue compliance orders and citations pursuant to these requirements and the municipal code section under which they are adopted, other sections of the municipal code that may apply and state law.

- b. Violations of these requirements may also constitute a public nuisance under the City of Appleton Municipal Code and Wisconsin Statutes.
- c. In addition to any other penalties imposed, any actual costs incurred by the City resulting from the abatement of a nuisance or other violation of these rules and regulations shall be collected by the City as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance and, if notice to abate the nuisance or violation has been given to the owner, such cost shall be assessed against the real estate as a special charge.
- d. In addition to issuing citations for violations, the City shall have the right to suspend or revoke any permit issued pursuant to this section for violations of ordinances, laws or requirements regulating activity and for other good cause.

9. Appeals

- a. Any person aggrieved by the denial of a permit or by suspension or revocation of a permit by the Health Officer, or by any temporary suspension or any other order may appeal any such order to the Safety and Licensing Committee within fifteen (15) days of denial, suspension or revocation of a permit or issuance of the order. The Safety and Licensing Committee shall provide the appellant a hearing or opportunity for hearing on the matter and may either suspend or continue any such order pending determination of appeal. The Committee shall make a recommendation to the Common Council regarding approval of said permit. The City Clerk's Office shall make and keep a record of all proceedings related to any such appeal and the record and actions of the Safety and Licensing Committee shall be subject to review by certiorari by court of record.

10. Severability

- a. If any section of these rules and regulations is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.

5-25-177/31/2018

City Law A17-0245

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