

Ordinance 04-15 - Urban Chickens

An ordinance to repeal and recreate Sections of Chapter 10 - Animals of the Municipal Code of the City of Racine, Wisconsin.

The Common Council of the City of Racine, Wisconsin do ordain as follows:

Part 1: To amend Sec. 10.1.- Definitions of the Municipal Code of the City of Racine, Wisconsin, by inserting the following definitions in the proper alphabetical order.

“Backyard means a 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 that extends to the side lot lines.

Chicken means the common domestic fowl (*Gallus domesticus*) or its young. There are no restrictions on chicken species.

Chicken Pen means a wire enclosure attached to a hen house for the purpose of allowing female chickens to leave the hen house while remaining in an enclosed, predator-safe environment.

Chicken Tractor means a moveable hen house/chicken pen lacking a floor.

Hen means the female of the domestic fowl.

Hen House means a structure for the sheltering of hens. An existing shed or garage can be used for this purpose if it meets the standards contained in this subsection including the required distance from property lines and all applicable City of Racine Building Codes.

Nest Box means a box in a hen house in which domestic chickens lay eggs.

Principal Residence means the primary location that a person inhabits.

Rooster means the male of the domestic fowl.

Sanitary Manner means favorable to health and cleanliness with precautions against disease.”

Part 2: To repeal and recreate the definition of *Livestock* in Sec. 10.1. - Definitions of the Municipal Code of the City of Racine, Wisconsin, as follows:

“Livestock means horses, donkeys, mules, cattle, swine (except chickens and potbellied pigs as defined in this section), bison, alpacas, llamas, goats, sheep, ducks, turkey, peacocks, ratites, or geese.”

Part 3: To amend Chapter 10 - Animals, Article I of the Municipal Code of the City of Racine, by adding the following section:

“Sec. 10.6. - Urban Chickens

(a) Purpose

Provide standards for the keeping of domesticated chickens on a non-commercial basis in zoned residential areas in the City of Racine. The keeping of chickens in the city supports a local, sustainable food system by providing an affordable, nutritious source of protein through fresh eggs. The keeping of chickens also provides quality, nitrogen-rich fertilizer; chemical-free pest control; weed control; and animal companionship.

(b) Restrictions

- (1) The maximum number of chickens that may be kept on any residential property is 4. The minimum size requirements for a hen house are 3 square feet per bird, with 7 square feet per bird in a chicken pen. One (1) nest box is required per every 2 birds.
- (2) No person shall keep a rooster.
- (3) No person shall keep chickens in any location on the property other than in the backyard.
- (4) No person, owner or custodian shall permit any chicken to be left unattended within 5 feet of a public right-of-way, which includes but is not limited to sidewalks, streets, alleys, and parking lots.
- (5) No person may keep a hen over 8 weeks of age in a principal residence.
- (6) Chickens may only be kept at single-family residential properties. No chicken may be kept at mobile homes, condominiums, apartment complexes, duplexes, or any other multiple-family property.
- (7) Hen houses and chicken pens shall not be located closer than 75 feet from the ordinary high water mark of any lake, river, or stream.
- (8) If a chicken dies, it must be disposed of promptly in a sanitary manner.
- (9) No person shall keep or maintain more than 7 licensed / permitted animals or a combination of more than 7 licensed / permitted animals including 4 permitted chickens on any parcel.

(c) Care and Health of Fowl

- (1) Chickens shall be kept and handled in a sanitary manner to prevent the spread of communicable disease among birds or to humans. Any person keeping chickens shall immediately report any unusual illness or death of chickens to the City of Racine Public Health Department. The Public Health Administrator may order testing, quarantine, isolation, vaccination or humane euthanasia of ill chickens or chickens believed to be a carrier of a communicable disease.
- (2) The cost of such testing, quarantine, isolation, vaccination or humane euthanasia of ill chickens will be charged to the permit holder. Failure to remit payment when invoiced will constitute a civil infraction violation subject to a forfeiture of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) plus statutory court costs. If more than one invoice is issued, failure to remit payment for each invoice is a separate violation.

(d) Non-Commercial Use Only

Chickens shall be kept as pets and for personal use only. No person shall sell or barter eggs or engage in chicken breeding or fertilizer production for commercial purposes including, but not limited to, farmer's markets. The slaughtering of chickens is prohibited unless it is accomplished/processed at a licensed facility.

(e) Enclosures

- (1) Chickens must be kept in a hen house and chicken pen at all times when not being monitored by a responsible individual, over 18 years of age and able to immediately return the hens to the chicken pen, hen house, or chicken tractor if necessary. Chickens shall be secured within the hen house during non-daylight hours.
- (2) All enclosures for the keeping of chickens shall be so constructed and maintained as to prevent rats, mice, other rodents, and animals from being harbored underneath or within the enclosure. A covered or fenced enclosure must be at least 25 feet from a neighboring principal residence, at least 2 feet from the side and rear property lines, and at least 5 feet from the residence upon the property where the chickens are kept.
- (3) Noise from chickens shall not be loud enough at the property boundaries to disturb a person of ordinary sensitivity.
- (4) A well-maintained hen house shall be provided and be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood.
- (5) Enclosures must be clean, dry and kept in a neat and sanitary conditions at all times, and exist in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor, or other adverse impact.

- (6) The hen house shall be enclosed on all sides and have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird proof wire of no more than 1 inch openings.
- (7) All enclosures for the keeping of chickens must provide adequate ventilation as well as sun protection, and be sanitary, insulated, weatherproof and impermeable to rodents, wild birds, and predators, including dogs and cats. It must also be structurally sound, moisture proof and maintained in good repair with sufficient space for freedom of movement and retention of body heat with elevated perches for natural roosting position. The nesting boxes must be elevated off the ground.
- (8) Only motion-activated lighting may be used to light the exterior of the hen house.
- (9) An enclosed chicken pen must be provided consisting of sturdy wire fencing of less than 1 inch openings. The pen must be covered with wire, aviary netting, or solid roofing long enough to enable running (6-10 feet minimum length), and wide enough to enable wing extension (3-6 feet minimum width).

(f) Bedding

The material that covers the floor of a chicken hen house is commonly referred to as bedding and should be at least 2 inches thick. The primary function of the bedding is to absorb moisture from droppings, water spills, limit odors, and facilitate coop cleaning.

(g) Feed and Water

- (1) Chickens must be provided with access to feed and clean water at all times.
- (2) All chicken related feed and items likely to attract or become infested by rats, mice, or other rodents and / or insects shall be protected as to prevent such creatures from gaining access to the feed / items.
- (3) The main food source for the chickens should be provided in dedicated feeding containers. Scatter feeding is prohibited (small amounts of scratch grains that do not accumulate on the property are allowable).

(h) Waste Storage and Removal

- (1) Provisions must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. All manure not stored or used for composting or fertilizing shall be removed.
- (2) Waste composting on the premises shall be allowed as long as it does not create odors or other nuisances for neighboring properties.

(3) In addition, the hen house, chicken pen and surrounding area must be kept free from feathers, trash, and accumulated droppings.

(4) Uneaten feed shall be removed daily.

(i) Permit

(1) Any person who keeps chickens in the City of Racine shall obtain a permit from the City of Racine Public Health Department prior to acquiring the chickens by completing the *Application for a Chicken Permit* form. A person who keeps chickens on his or her property shall comply with all of the requirements listed within this ordinance including acquiring a permit to construct an accessory structure through the City of Racine Building Department, if applicable.

(2) For any person who proposes to keep chickens in the yard of a rented single-family residential dwelling, the applicant must present a signed statement from the owner of the dwelling consenting to the applicant's proposal for keeping chickens on the premises.

(3) In addition, persons must register their parcel as a livestock premises with the Wisconsin Department of Agriculture, Trade, and Consumer Protection. Registration can be completed online or by telephone, and must be renewed every 3 years.

(4) Permit holders must demonstrate compliance with this ordinance at least annually and more frequently if complaints arise. Compliance shall be demonstrated by an on-site inspection by the City of Racine Environmental Health Division after the Application for a Chicken Permit has been submitted.

(j) Fee

The fee for an annual permit to keep up to 4 hens is fifty dollars (\$50.00). This is an annual fee which cannot be prorated. This includes an onsite inspection by the City of Racine Health Environmental Division. Only one license may be issued to each parcel number. Permits must be renewed prior to January 1 and expire December 31 of each year. Late fees will apply after January 31 of each year.

(k) Penalties for Violations

(1) If the requirements of this subsection are not complied with the City may refuse to renew or may revoke any permit granted after providing ten business days' notice of the basis for the revocation or nonrenewal and/or initiate prosecution for a civil infraction violation. Once a permit is revoked, a permit shall not be reissued for 3 years.

(2) Any person violating the provisions of this section shall be subject to a forfeiture of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) plus statutory costs.”

Part 4: To repeal and recreate subsection (a) of Sec. 10.41. – Livestock and restricted animals prohibited of the Municipal Code of the City of Racine, Wisconsin, as follows:

“(a) No person shall keep or permit to be kept on his premises any livestock (other than chickens or potbellied pigs) or other restricted animals.”

Part 5: Amend subsection (b) of Sec. 10-4. - Payment of forfeiture in lieu of court appearance of the Municipal Code of the City of Racine by adding the following section:

| Section number | Violation | Forfeiture |
|----------------|----------------|---------------|
| 10-6 | Urban Chickens | \$100 - \$500 |

Part 6: Sections 10-7 - 10-25 are hereby reserved.

Part 7: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Fiscal Note: N/A