

**ORDINANCE NO. 1851A - Final**

**ORDINANCE CREATING SECTION 9.06.015  
ENTITLED BACKYARD CHICKEN ORDINANCE**

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, does hereby ordain as follows:

**Section 1.** Whitewater Municipal Code Section 9.06.015 is hereby created to read as follows:

**(a) Purpose.** The following regulations will govern the keeping of chickens in residential zoning districts and are designed to prevent nuisances and prevent conditions that are unsanitary or unsafe. No person shall keep chickens unless the following regulations are followed:

**(1) Number.** No more than six (6) hens shall be allowed for each dwelling unit.

**(2) Setbacks.** Coops or cages housing chickens shall be kept at least twenty-five (25) feet from the door or window of any dwelling or occupied structure other than the owner's dwelling. Coops and cages shall not be located within five (5) feet of a side-yard or rear-yard lot line. Coops and cages shall not be located in the front yard.

**(3) Enclosure.** Hens shall be provided with a covered, predator-proof coop or cage that is well-ventilated and designed to be easily accessed for cleaning. The coop shall allow at least two square feet per hen. Hens shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the property and to prevent predators from access to the birds. Hens shall not be allowed out of these enclosures unless a responsible individual, over 18 years of age, is directly monitoring the hens and able to immediately return the hens to the cage or coop if necessary.

**(4) Sanitation.** The coop and outdoor enclosure must be kept in a sanitary condition and free from offensive odors. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste.

**(5) Slaughtering.** There shall be no slaughtering of chickens.

**(6) Roosters.** It is unlawful for any person to keep roosters.

**(7)** The owner shall abide by all state laws and regulations for livestock premises registration, including applicable sections of Wisconsin Statute 95.51, and Wisconsin Administrative Code Chapter ATCP 17 and any applicable amendments thereto. Applicant shall also follow state law regarding import, purchase and sales of live poultry as set forth in ATCP 10.40 and ATCP 10.42 of the Wisconsin Administrative Code and any applicable amendments thereto.

(8) There shall be no breeding or hatching of chickens.

(9) Any poultry feed shall be stored so as to keep out rodents. The owner shall practice proper poultry waste disposal in order to avoid odors. Waste composting on the premises shall be allowed as long as it does not create odors or other nuisances for neighboring properties.

(10) The main food source for the chickens should be provided in dedicated feeding containers and scatter feeding as the primary food source is prohibited (small amounts of scratch grains that do not accumulate on the property are allowable).

**(b) Permit.** A permit shall be required to keep chickens in the City of Whitewater. An application for a permit must contain the following items:

(1) The name, phone number, and address of the applicant.

(2) The location of the subject property.

(3) A proposal containing the following information.

i. A description of any coops, cages or outdoor enclosures, providing dimensions and the precise location (if fixed) of these enclosures in relation to property lines and adjacent properties. If applicant proposes to use a mobile coop and/or a chicken run, the dimensions of the structure(s) shall be provided and the area of requested allowed placement areas shall be provided.

ii. The application fee charge for the permit shall be \$10.00. There shall be no charge for renewal of the permit.

(4) If the applicant proposes to keep chickens in the yard of a rented 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.

(5) Chickens may only be kept on single-family unit lots. Chickens may not be kept on two-family or multiple-family lots.

**(c) Permit Renewal.** Permits will be granted on an annual basis (unless this Chicken Ordinance is repealed). If the permittee follows the terms of the ordinance, the permit will be presumptively renewed (unless this Chicken Ordinance is repealed) and the applicant may continue to keep chickens under the terms and conditions of the initial permit. The City Neighborhood Services Director may refuse to renew or may revoke the permit at any time, (after giving the permittee 15 days notice of the basis for the revocation or nonrenewal and an opportunity to be heard on the issue) if the permittee does not follow the terms of this ordinance, or if the Neighborhood Services Director finds that the permit holder has not maintained the chickens, coops, or outdoor enclosures in a clean and sanitary condition.

If the Chicken Ordinance is repealed, no party shall have the right to keep chickens based on a nonconforming use status obtained under this ordinance.

**(d) Penalty.** Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be subject to a penalty of not less than fifty dollars or more than one hundred dollars for the first offense; and for the second offense within year, shall be subject to a penalty of not less than one hundred dollars or more than two hundred dollars; and for a third and subsequent offenses within one year not less than two hundred dollars or more than three hundred dollars, together with the costs of prosecution.

Ordinance introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Binnie. AYES: Olsen, Abbott, Winship, Binnie, Singer, Kidd. NOES: None. ABSENT: None.

It was then moved by Olsen and seconded by Winship to waive the requirement for a second reading of this ordinance.

AYES: Olsen, Abbott, Winship, Binnie, Singer, Kidd.

NOES: None.

ABSENT: None.

ADOPTED: December 18, 2012.

  
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Cameron L. Clapper, City Manager

  
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Michele R. Smith, City Clerk