

## ORDINANCE NO. 553

### **An Ordinance To Repeal and Recreate Section 2.17 (1) (b) Of Chapter Two Of The General Ordinances Of The Village Of River Hills Regarding the Keeping of Chickens.**

The Village Board of the Village of River Hills, Milwaukee County, does ordain as follows:

**Section I.** Section 2.17 (1) (b) of Chapter 2 of the General Ordinances is hereby repealed and recreated to read as follows:

#### Section 2.17. ANIMALS, PROHIBITED AND NUISANCE.

(1)

##### **“(b) Keeping of Chickens.**

1. Permit Required. No person may keep a chicken or chickens in the Village unless they obtain a permit from the Village. A permit shall be an annual permit and shall expire December 31<sup>st</sup> of the year it is issued. The permit process requires a completed application accompanied with an application fee and an annual permit fee as set forth in the schedule of fees as adopted and subject to amendment from time to time by Resolution of the Village Board. Applicants shall register with the Wisconsin Department of Agriculture, Trade and Consumer Protection pursuant to §95.51, Wis. Stats., and provide proof of registration prior to the issuance of a permit.

2. Application. The applicant shall file a written application with the Village Clerk that includes the written consent of the owner of the property if the applicant is not the owner. The applicant must submit a description and drawing that clearly represents the location where the chickens will be kept on the property, the location of the enclosure, including a description and depiction of all fencing, coops or other structures to be used for enclosing the chickens, and a plan to ensure the proper maintenance and cleaning of the area where the chickens will be kept. A plan that does not reasonably comply with these requirements will be rejected and returned to the applicant. A covered chicken enclosure and any related fenced enclosure, collectively the chicken enclosure, shall be considered a structure that requires a building permit and the setback provisions of the Zoning code shall be applicable.

3. Neighbors Notice Required. Before a permit is issued for the keeping of chickens the Village will provide notice of the application to all neighbors of adjoining property and those whose property is within 100 feet of the lot for which the permit has been requested. No permit can be issued until approval of the covered enclosure and any fenced enclosure area and its location by the Building Board and the Building Inspector has issued a building permit for the chicken enclosure. In no event may a permit be issued less than 30 days from the date the notice is provided to the neighbors.

4. Keeping of Chickens. A permit authorizes the keeping of chickens on a residential lot under the following provisions:

- a. No more than ten (10) chickens are allowed.
- b. Roosters are not permitted.
- c. Chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times. The covered enclosure shall be moisture resistant, sturdy, constructed in a workmanlike manner, and either raised up off the ground or placed on a hard surface such as concrete, patio block or gravel. The covered enclosure and any fenced enclosure area shall be constructed and maintained to reasonably prevent collection of standing water and shall be cleaned of droppings, uneaten feed, feathers and other waste daily and as soon as necessary to ensure that the covered enclosure and fenced enclosed area do not become a health, odor or other nuisance.
- d. The covered enclosure and any fenced enclosed area shall be located in the side or rear yard of the lot.
- e. The use of the lot for keeping of chickens shall at all times be conducted pursuant to the plan and representations made in the application. No slaughtering of chickens, sales of eggs, chicks, or chickens shall be made at or from a residential property.
- f. In addition to compliance with the requirements of this section, no person shall keep any chickens that cause any nuisance, unhealthy condition, create a public health threat or interfere with the normal use of property or enjoyment of life by humans or animals.
- g. Persons applying for and receiving a permit for the keeping of chickens consent to the entry of Village staff and Village agents onto the subject property at all reasonable times to inspect and investigate the property, the enclosure, and the chickens for purposes of determining compliance with and for enforcement of the Village's ordinances.
- h. Costs that the Village may incur in inspection, investigation, testing, quarantine, isolation, vaccination, humane euthanasia, or otherwise arising from the applicant's keeping of chickens, may be charged to the property owner, and such charges that remain unpaid within the time allowed may be imposed on the tax bill for the subject property as a special charge, pursuant to § 66.0627, Wis. Stats.

5. Effect of Permit and Renewal. The permit is not transferable from the applicant to any other person, and does not run with the land to a new owner of the property. A permit may be renewed annually upon payment of the required fee. The application and

neighbor notice provisions of subsections b (2) and b (3) above are not applicable to a renewal of a permit.

6. Public Health Requirements. Chickens shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds or to humans. Any person keeping chickens shall immediately report any unusual illness or death of chickens to the North Shore Health Department. The North Shore Health Department or its agents may order testing, quarantine, isolation, vaccination or humane euthanasia of ill chickens or chickens believed to be carriers of a communicable disease.

7. Revocation. A permit is subject to revocation by the Village Manager or designee upon 30 day's written notice to the permit holder advising that there have been 2 or more violations of the provisions regulating the keeping of chickens within a one year period of time for which there have been convictions. This provision would not limit the Village's right to seek injunctive relief in a court of record if the keeping of chickens constituted a public nuisance or was a public health hazard.

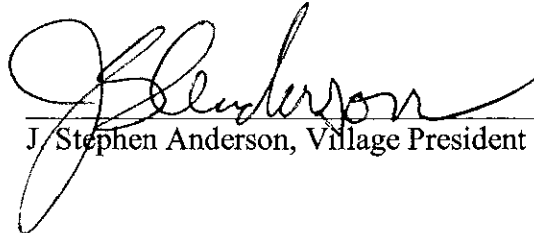
8. Penalty. The penalty and enforcement provisions of Sections 2.15 of Chapter Two (2) of the General Ordinances of the Village of River Hills are hereby made applicable to any violations of this section."

**Section II.** If any subsection, section or portions of this article or the sections of this ordinance as enacted hereunder is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof.

**Section III.** All ordinances or parts of ordinances conflicting with the provisions of this ordinance are to such extent repealed.

**Section IV.** This ordinance shall be in full force and effect on January 1, 2022 after its passage and publication as provided by law.

**PASSED AND ADOPTED** by the Village Board of the Village of River Hills this 18th day of August, 2021.

  
J. Stephen Anderson, Village President

Countersigned:

  
Tammy LaBorde, Village Clerk