

ORDINANCE #12-14

AMENDING CHAPTER 86 DE PERE MUNICIPAL CODE  
AND ALLOWING THE KEEPING OF CHICKENS WITHIN THE CITY

THE COMMON COUNCIL OF THE CITY OF DE PERE DO ORDAIN AS FOLLOWS:

Section 1: **§86-3, Limitations on the number of animals allowed**, is hereby amended  
by:

1. Repealing §86-3(a) in its entirety and recreating it to read as follows:
  - (a) Unless a permit for keeping chickens has been issued under this chapter for a property parcel, the maximum number of dogs and cats allowed per dwelling unit within the city is four (4). If a permit for keeping chickens has been issued under this chapter for a property parcel, the number of dogs or cats allowed per dwelling unit shall be decreased by the number of chickens permitted on the property parcel so that the number of dogs or cats in the dwelling unit plus the number of chickens permitted on the property parcel do not exceed six (6) animals. In no event shall the number of chickens exceed four (4).
2. Adding the following to paragraph (b) as its final sentence:

There shall be no variances allowed in the maximum number of chickens.

Section 2: **§86-4(a)(1) Prohibited Animals**, is hereby amended by deleting the words “fowl” and “chicken” and adding the following: rooster, fowl other than chicken (*Gallus gallus domesticus*), with the remainder of the paragraph the same.

Section 3: **§86-5(f) Animal Removal** is hereby created to read as follows:

*Animal Removal.*

(f) The health officer or a police officer may confiscate and remove animals from a premises for a violation of §§8.951.01-8.951.18, crimes against animals, or if the

animal constitutes a public health threat as determined by the Health Officer. The animal(s) shall be conveyed to be housed and handled appropriately.

Section 4: §86-5(g) Keeping of Animals is hereby created to read as follows:

(e) *Keeping of chickens in the City*. In addition to all other regulations in this Chapter, the following shall apply to the keeping of chickens within the City.

(1) Definitions. The following terms, when used in this section, shall have the meanings set forth below:

(A) Chicken means a domestic chicken of the sub-species *Gallus gallus domesticus*.

(B) Keep means either the owning, keeping, possessing or harboring of a chicken.

(C) Rooster means a male chicken of any age, including a capon or otherwise neutered male chicken.

(D) Coop means a new or existing enclosed accessory structure designed or modified for the keeping of chickens and meeting the requirements of this section.

(E) Chicken Run means a fenced cage attached to a coop and not to exceed 40 square feet in area.

(2) Permit Required.

(A) Any person who keeps chickens on land in the city which the person owns, occupies or controls shall obtain a permit issued by the Clerk-Treasurer. The permit is valid January 1<sup>st</sup> – December 31<sup>st</sup> and the fee shall be as established by resolution of the Common Council and shall be consistent with the fee established for spayed or neutered dog or cat.

(B) Permit applications submitted by a person other than a record title owner of the property upon which chickens will be kept shall provide written consent of the property owner with the permit application.

(C) All permit applications shall be accompanied by satisfactory evidence that the applicant has registered the proposed location with the

Wisconsin Department of Agricultural Trade and Consumer Protection  
pursuant to Wis. Stats. §95.51 and 47 ATCP Wis. Admin. Code.

(3) Keeping of Chickens Allowed.

- (A) Up to four (4) chickens are allowed with a permit.
- (B) One permit per R-1 Single Family Residence District and R-2 Single and Two-Family Residence District zoned parcel only is allowed.
- (C) No person shall keep any rooster.
- (D) No person other than at a licensed meat processing facility may slaughter any chickens within the city.
- (E) Chickens shall be provided with fresh water at all times and adequate amounts of feed.
- (F) Chickens shall be provided with a sanitary and adequately-sized coop, and shall be kept in the coop or a sanitary and adequately-sized and chicken run attached thereto at all times. Chickens shall not be allowed to free range.
- (G) All permanent (non-mobile) coops shall comply with all building and zoning requirements of this Code.
- (H) Coops shall be construed in a workmanlike manner, be moisture-resistant and either raised up off the ground or placed on a hard surface such as concrete, patio block or gravel.
- (I) Coops with or without a chicken run shall be constructed and maintained to reasonably prevent the collection of standing water, and shall be cleaned of hen droppings, uneaten feed, feathers and other waste daily and as is necessary to ensure that the coop and yard do not become a health, odor or other nuisance. All feed containers shall be rat-proof. All chicken droppings shall be disposed of in accordance with Chapter 82 of this code (Solid Waste Disposal).
- (J) Coops shall be large enough to provide at least four (4) square feet per chicken.
- (K) No chicken coop shall be located closer than 25 feet to any principal residential structure on an adjacent lot. No chicken coop shall be located within any setback area.

(L) No chicken coop shall be located in the front or side yard of a parcel, whether outside the setback or not.

(M) In addition to compliance with the requirements of this section, no one shall keep chickens that cause any other nuisance associated with unhealthy condition, create a public health threat or otherwise interfere with the normal use of property or enjoyment of life by humans or animals.

(4) Public Health Requirements.

(A) Chickens shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds or to humans.

(B) Any person keeping chickens shall immediately report any unusual illness or death of chickens to the health department.

(C) The health officer may order testing, quarantine, isolation, vaccination or humane euthanasia of ill chickens or chickens believed to be a carrier of a communicable disease. The owner of the chicken shall be responsible for all costs associated with the procedures ordered hereunder.

(5) Permit Revocation. A permit is subject to revocation by the Health Officer upon failure to comply with any provisions of sub. (3) or (4). Such revocation is subject to appeal by the Board of Health. Once a permit is revoked, a permit shall not be reissued.

(6) Sale of Eggs and Baby Chicks Prohibited. No person may offer to sell eggs or chicks accumulated from the activities permitted hereunder.

Section 5: §82-1, Solid Waste/Curbside Recyclable Collection, Definitions, is amended by adding to the end of the definition of *Noxious and/or offensive waste* the following sentence:

The term “manure” herein shall not include the excrement/fecal waste of domesticated animals allowed upon R-1 Single Family Residence District and R-2 Single and Two Family Residence District zoned parcels provided such excrement/fecal waste is properly packaged and disposed of so as to not leak, leach or spill into the garbage container.

Section 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7: This ordinance shall be effective on August 1, 2012.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 17<sup>th</sup> day of  
July, 2012.

APPROVED:

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Michael J. Walsh, Mayor

ATTEST:

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Shana L. Defnet, Clerk-Treasurer

Ayes: 5

Nays: 3