

## ORDINANCE NO. 7-13

### THE COMMON COUNCIL OF THE CITY OF HUDSON ORDAINS THAT CHAPTER 99 OF THE HUDSON CITY CODE BE AMENDED TO CREATE THE FOLLOWING CODE SECTION:

#### Section 99-21 CHICKENS

##### A. PURPOSE:

The purpose of this section is to establish conditions under which city residents on certain residential properties may safely keep and maintain a limited number of chickens to provide eggs for household use; to assure appropriate chicken coops or structures in which to house chickens; and to protect the health, safety, and welfare of the general population of the city of Hudson.

##### B. DEFINITIONS:

**ABUTTING PROPERTY:** All lots that the applicant's property comes into contact with at one or more points, except for lots that are separated from the applicant's property by a public or private street or public alley.

**CHICKEN:** A female gallinaceous bird or hen of any age, including chicks. This definition does not include other kinds of fowl, including guinea hens, ducks, quail, pheasant, geese, turkeys, peacocks, emus or ostriches.

**COOP:** An enclosed structure, building or pen within which chickens roost or are housed.

**ONE-FAMILY DWELLING:** A building designed exclusively for occupancy by one family living independently as defined in Hudson City Code Section 255-4.

##### C. LICENSE REQUIRED:

- (1) No person shall own, harbor, keep or maintain chickens within the city without first obtaining a license approved by the Common Council.
- (2) The license year shall commence on January 1 and shall end on December 31 and must be renewed annually if chickens continue to be kept on the property.
- (3) Applications shall be made to the City Clerk's Office.
- (4) Applicants shall provide the following information on the license

application:

- a. a plan to dispose of chicken manure in a safe and adequate manner.
  - b. coop design and materials plan that is consistent with the requirements of this section.
  - c. a site plan showing compliance with the requirements of this section.
- (5) No license shall be issued until the City reviews the application and inspects the property and determines that the applicant has complied with the requirements of this section.
  - (6) The applicant shall be the property owner or tenant with written consent of property owner.
  - (7) Written permission from a Homeowner's Association, if applicable or a statement by the applicant that keeping chickens on the property is consistent with any Homeowners Association Bylaws or Rules.
  - (8) The license shall not be transferable.
  - (9) No license shall be issued if the applicant is delinquent in paying of any taxes, assessments, forfeitures, or fines for violations of City ordinances, utility bills, or other claims owed to the City.
  - (10) For the first year this ordinance is in effect, no more than 15 licenses shall be issued. The Common Council shall review after one year to evaluate how the chicken licensing program is working in the City and whether to continue and/or make any changes in the regulations.

D. FEES:

- (1) Application and License fees shall be in the amount established by City fee schedules. For the first year, the permit fee shall be \$50.00. Renewal fee shall be \$20.00. The fees may be changed by the Common Council and shall be incorporated into the City fee schedule.
- (2) License fees shall not be prorated or refundable.

E. PROPERTY REQUIREMENTS AND COOP/RUN DESIGN:

- (1) Property Requirements:
  - (a) Chickens regulated by this chapter shall only be permitted on property upon which a One-Family Dwelling is located and occupied, is in any residential zoning district, and is consistent with any covenant and/or Homeowners Association

Bylaws or Rules, if applicable.

- (b) Chickens shall not be harbored, kept or maintained on a vacant lot.
- (c) All coops shall be located in a rear yard.
- (d) A coop and any attached enclosure shall be located a minimum of twenty five feet (25') from adjacent residential structure, decks or patios on an abutting property and a minimum of ten feet (10') from the licensee's property line.

(2) Coop/Run Design:

- (a) All chickens shall be kept and maintained within a cross ventilated and roofed coop in compliance with this section.
- (b) The coop structural floor area shall not exceed thirty (30) square feet and the height of the coop shall not exceed eight (8') feet, as measured vertically from the ground to the outside highest point of the coop.
- (c) The coop shall either be:
  1. Elevated with a clear open space of twenty four inches (24") between the ground surface and the floor of the coop; or
  2. The coop's foundation shall be constructed of concrete or naturally decay resistant or pressure treated wood with preservative on the ground surface.
  3. All coops, including an attached yard or run shall be enclosed with one quarter inch (1/4 inch) galvanized hardware cloth or equivalent material including a protective overhead that will prevent chickens from escaping the coop or the attached enclosure.
  4. All coops shall provide a minimum of three (3) square feet per chicken.
  5. All coop floors shall be composed of a smooth, hard, nonabsorbent surface. A wood or dirt floor is not acceptable.
  6. There must be at least one nesting box per two (2) chickens.
  7. Exterior finish materials shall be typical residential type construction materials.
  8. There must be a minimum of one square foot of window for each ten (10) square feet of wall space.
  9. Coops shall provide elevated perches to ensure chickens are

able to rest in their natural roosting position.

- (d) There shall be a run area maximum of 50 square feet enclosed/ screened with ¼ inch galvanized hardware cloth, maximum height of six feet six inches ( 6' 6" ).

F. CONDITIONS FOR KEEPING AND SANITATION:

- (1) Conditions For Keeping: A person owning, harboring, keeping or maintaining chickens pursuant to this section:
  - (a) Shall keep, harbor or maintain not more than five (5) chickens.
  - (b) Shall keep, harbor or maintain chickens within a coop or attached run enclosure at all times.
  - (c) Shall not keep, harbor or maintain any roosters or male chickens.
  - (d) Shall not sell any eggs on site.
  - (e) Shall not slaughter any chickens within the City.
  - (f) No person shall use any chickens for fighting.
  - (g) Shall not engage in chicken breeding or fertilizer production for commercial purposes.
  - (h) All chickens shall be provided access to food and clean water at all times.
  - (i) Chickens ill with an infectious disease capable of being transmitted from bird to bird or from birds to humans, including, but not limited to, salmonella and avian influenza, are prohibited and shall be immediately killed at a veterinarian's office or removed from the city and humanely killed outside of the city.
  - (j) Deceased chickens should be disposed of immediately in a safe manner by placing the deceased chicken in a sealed bag and placing it in a trash receptacle with a lid.
- (2) Sanitation:
  - (a) Chickens and their coops shall be kept and maintained at all times in outdoor areas and shall not be permitted inside a residential premises or dwelling.
  - (b) Chicken feed shall be stored and kept in containers which

make the feed not accessible to rodents, vermin, wild birds and predators.

- (c) All coops and rear yards where chickens are kept, harbored or maintained shall be reasonably free from substances, including, but not limited to, chicken manure, such that it does not cause the air or environment to become noxious or offensive or to be in such condition as to promote the breeding of flies, mosquitoes, or other insects, or to provide habitat, breeding or feeding place for rodents or other animals, or otherwise be injurious to public health.
- (d) Provision 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 other manure not used for composting or fertilizing shall be removed. In addition, the henhouse, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

#### G. INSPECTION AND ENFORCEMENT:

- (1) The Hudson Police Department, Animal Control Officer, or their designees shall have the power, whenever they may deem reasonably necessary, and consistent with the requirements of statutory and constitutional law, to enter a building, structure, or property related to a license under this chapter to ascertain whether the license holder is in compliance with this chapter. The above listed departments may issue compliance orders and citations pursuant to the provisions of this chapter, this code and state law.
- (2) Violations of this chapter may constitute a public nuisance under Chapter 175 of this code, or under chapter 823, Wisconsin statutes.
- (3) The City may revoke a license at any time if the licensee does not follow the terms of the license or this section, or if the City finds that the permit holder had not maintained the chickens, coops, or outdoor enclosures in a clean and sanitary condition.

#### H. OTHER METHODS NOT EXCLUDED

The requirements and remedies provided under this section are not exclusive and may be used in combination with each other or with any other section of this code or applicable state statute.

#### I. SEVERABILITY:

If any provision in this section, or portion thereof, is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.

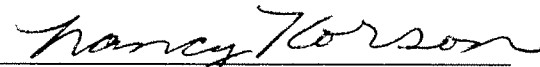
J. VIOLATION AND PENALTY:

Any person who violates the provisions of this chapter shall, upon conviction thereof, forfeit not less than Fifty (50) Dollars nor more than Five Hundred Dollars (\$500.00) per day of violation, if applicable, together with the costs of prosecution. Each day a violation exists is a separate violation.

This ordinance shall take effect immediately upon passage and publication as provided by law.

  
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Richard F. Vanselow, Council President

ATTEST:

  
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Nancy Korson, City Clerk

First reading 10/21/13

Passed and approved: 11/4/13

Published and effective: 11/14/13