

ORDINANCE NO. 3061

AN ORDINANCE TO ALLOW THE KEEPING OF CHICKENS IN SHOREWOOD

WHEREAS, on February 20, 2023, under Future Items of Consideration the Village Board voted to have the Community and Business Relations Standing Committee explore an ordinance change to allow the keeping of chickens in Shorewood;

WHEREAS, this idea was discussed in 2009 but was not advanced to the Village Board for consideration;

WHEREAS, since the previous discussion, numerous other communities, including Milwaukee (2011), River Hills (2011), Wauwatosa (2013), Fox Point (2018), Glendale (2019) and Bayside (2023), among others throughout the state of Wisconsin have updated their ordinance to allow the practice;

WHEREAS, the Community and Business Relations Standing Committee held discussions on September 18th, November 6th and December 4th related to the topic, including a review of a draft ordinance;

WHEREAS, within those committee discussions public comment was solicited and heard through various means, including a community survey;

WHEREAS, within those committee discussions the benefits (urban agriculture, locally-sourced, homegrown food, organic fertilizer and companionship) were debated alongside potential downsides (noise, odor and disease concerns), and experience from neighboring municipalities was taken into consideration;

WHEREAS, on December 4th, the Community and Business Relations Standing Committee voted 2-1 to have the full Village Board consider this ordinance change at a future meeting without an endorsement from the Committee.

NOW THEREFORE, at a regular meeting of the Village Board of the Village of Shorewood, Milwaukee County, Wisconsin, held on the 18th day of December 2023, by a favorable vote of the members being present and therefore, said Board does ordain as follows:

SECTION 1

That Section 1 "Definitions" of Chapter 192 "Animals" is amended to add the following in their alphabetical place:

APIARY

Colonies, hives, and other equipment associated with honey bees assembled in one location for beekeeping operations; also known as a "bee yard."

BEEKEEPER

A person who owns or has charge of one or more colonies of bees, or is requesting to own or take charge of one or more colonies of bees, and has demonstrated to the Planning and Development Director that he or she has obtained formal education or sufficient practical experience to act as a beekeeper. An applicant who fails to demonstrate the requisite training or experience will not be issued a beekeeping permit by the Village under Subsection B. The determination of whether the applicant has the requisite training and experience will be at the sole discretion of the Village Planning and Development Director.

CHICKEN COOP

A small, enclosed structure where chickens are kept.

COLONY

An aggregate of honey bees in a hive consisting principally of workers, but having, when perfect, one queen and at times many drones, including the brood.

FLYWAY BARRIER

An obstacle designed to cause bees to fly upward after exiting the hive and directing them away from neighboring and adjoining areas inhabited by humans. Barriers must be six feet in height.

HIVE

The shelter housing a colony of bees, including the combs, honey, and pollen. "Hive" also includes the colony of bees where indicated by the context.

HONEY BEE

All life stages of the common domestic honey bee, *apis mellifera* species.

SECTION 2

That Section 192-16 "Residential beekeeping permits and practices" of Chapter 192 "Animals" be renumbered as Section 192-17.

SECTION 3

That Subsection A "Definitions" of the newly renumbered Section 192-17 "Residential beekeeping permits and practices" be deleted and that the subsequent Subsections be re-lettered A-G accordingly.

SECTION 4

That Paragraph (1) of the newly re-lettered Subsection F "Right of entry." of Section 192-17 "Residential beekeeping permits and practices" of Chapter 192 "Animals" be reworded as follows:

- (1) The Planning and Development Director, or their designee, may enter upon any property required to hold a permit in this section at all reasonable times to inspect the premises, obtain photographs or take any other action deemed necessary to properly enforce the provisions of this section.

SECTION 5

That Section 192-17 "Keeping of certain animals prohibited." of Chapter 192 "Animals" be renumbered as Section 192-16.

SECTION 6

That Subsection B of the newly renumbered Section 192-16 “Keeping of certain animals prohibited.” of Chapter 192 “Animals” is reworded as follows:

- B. No person, business or entity shall harbor, raise or possess, either temporarily or permanently, any livestock, including but not limited to unless expressly permitted, swine, goat, sheep, horses, ponies, mules, donkeys, turkeys, geese, cattle or fur-bearing animals within the village.

SECTION 7

That Sections 192-18 “Appeals.” and 192-19 “Violations and penalties.” be renumbered as 192-19 “Appeals.” and 192-20 “Violations and penalties.”

SECTION 8

That Section 192-18 “Residential permit for keeping of chickens.” of Chapter 192 “Animals” be created to read as follows:

§ 192-18 Residential Permit for Keeping of Chickens.

- A. Permit and inspection required. No person shall keep chickens in the village without obtaining a valid permit issued by the Planning & Development Department. No more than one such permit may be issued for any residential parcel. The permit process requires the submission of a completed application accompanied with a fee as set forth in the Village Fee Schedule. An applicant must also submit a scaled dimensional drawing, showing all property lines and structures on the subject, adjoining and diagonally abutting properties together with the proposed chicken coop and yard to the satisfaction of the Planning & Development Department. Upon the issuance of the permit and the installation of the chicken coop, the applicant shall submit to an inspection to demonstrate that all applicable requirements of Subsection G are met.
- B. Permit renewal. A permit must be renewed by April 1 of each year. Permit renewal requires the submission of a completed application accompanied with the renewal fee as listed in the Village Fee Schedule. Neighborhood notification is not required for a permit renewal.
- C. Failure to obtain or renew permit. A late fee of three times the application or renewal fee shall be collected from the owner of chickens if the owner fails to obtain a permit prior to acquiring chickens or if the owner fails to renew their permit by April 1.
- D. Neighborhood notification required. Before a new permit is issued, an applicant, if not the property owner, shall obtain the written consent of the property owner where the chickens are to be kept. Applicants shall also furnish to the Village written proof, in the form of certified letters or a completed Village of Shorewood chicken keeping neighbor notification form containing the neighbor's signed acknowledgement of notice receipt, that all residents of adjoining or diagonally abutting properties,

including those across an alley, have been informed that the applicant has applied for a permit hereunder, and informing that any written objections to issuance of the permit should be submitted to the Planning & Development Department within 14 days of receipt of the application. The Village shall consider all objections and may deny a permit request based on neighbor objections.

- E. Permit not transferable. A permit provides permission for the keeping of chickens at the address listed in the permit application only and by the permit holder only and shall not be transferred to any other persons or locations.
- F. Removal upon vacation of property. The permit holder must notify the Planning & Development Department when they are going to vacate the property. Upon vacating the property, the permit holder must remove all chickens from the property.
- G. Keeping of chickens. The keeping of up to four chickens on a residential parcel with a valid permit is allowed, provided the following:
 - (1) No roosters shall be kept.
 - (2) No chicken shall be slaughtered.
 - (3) Chickens shall be provided with fresh water at all times and adequate amounts of feed. All additional food supplies shall be kept in closed containers.
 - (4) Chickens shall be provided with a sanitary and adequately-sized chicken coop, at least 4 sq. ft. per chicken, and shall be kept in the chicken coop or a sanitary and adequately-sized and accessible fenced enclosure or yard at all times.
 - (5) Chicken coops shall be constructed 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.
 - (6) Chicken coops and yards shall be constructed and maintained to reasonably prevent the collection of standing water, and shall be cleaned of 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.
 - (7) Chicken coops and yards together shall be large enough to provide at least 16 square feet per chicken.
 - (8) No chicken coop shall be located closer than 25 feet to any residential structure on an adjoining or diagonally abutting lot, unless consent is given by the owner of that lot.
 - (9) No chicken coop shall be located in the front yard or street side yard.
 - (10) No one shall keep chickens that cause any nuisance, unhealthy condition, create a public health threat, or otherwise interfere with the normal use of property or enjoyment of life by humans or animals.

(11) Chicken eggs may not be sold, traded or hatched for commercial purposes.

H. Public Health Requirements.

- (1) Chickens shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds or to humans.
- (2) Any person keeping chickens shall immediately report any unusual illness or death of chickens to the Health Department.
- (3) The Health Department may order testing, quarantine, isolation, vaccination or humane euthanasia of ill chickens or chickens believed to be a carrier of a communicable disease.

I. Enforcement; Penalty.

- (1) The Planning & Development Department shall issue permits and enforce the provisions of this code, except that public health provisions of Subsection H shall be enforced by the Health Department.
- (2) Personnel from the Planning & Development and/or Health Departments may enter upon any property required to hold a permit in this section at all reasonable times to inspect the premises, obtain photographs or take any other action deemed necessary to properly enforce the provisions of this section.
- (3) If personnel from the Planning & Development and/or Health Department(s) finds any chickens kept in violation of any requirements enumerated herein, in addition to any other remedy available under this code, they may order the violation corrected within 14 days. Notice of violation shall be mailed to both the permit holder and the property owner on which the chickens are located. If the permit holder fails to correct the violation within 14 days, the chicken coop or yard in violation may be destroyed and/or removed from the municipality by the corresponding personnel, and the cost thereof shall be charged back to the property owner as a special charge pursuant to Wis. Stats § 66-0627.

J. Permit revocation. A permit shall be subject to revocation by the Planning & Development and/or Health Department(s) upon failure to comply with any provisions of this section. Once a permit is revoked, a permit shall not be reissued to the same household within two years.

SECTION 9

That all Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby to such extent repealed.

SECTION 10

That this Ordinance shall take effect and be in force starting on March 1, 2024, after its passage and posting.

PASSED AND ADOPTED by the Village Board of the Village of Shorewood, Milwaukee County, Wisconsin, this 18th day of December 2023.

Ann [redacted] ent

Countersigned: [redacted]
