

## Sec. 7-1-25. - Keeping of chickens.

Residents may own, keep or harbor up to five chickens subject to the provisions of this Code.

### (1) Permit requirement.

- a. Any person who owns, keeps or harbors chickens in the City of Galesville shall obtain an annual permit prior to January 1 of each year, or prior to acquiring the chickens, whichever is later. The term year of a permit commences on either January 1 or upon issuance of a permit, whichever is later, and ends the following December 31. Residents deciding to own, keep or harbor chickens for successive years must renew their permit by January 1 of that year for each term year they own, keep or harbor such chickens.
- b. In order to be issued a permit, the applicant shall file with the City Clerk an application for the permit. Within 10 days of receipt of the application, the City Clerk shall deliver a notice to all owners and residents of properties within 100 feet of the applicant's property, exclusive of street right-of-way. The City Clerk shall also deliver notice to the owner of the property occupied by the applicant, if the applicant is not the owner. Said notice shall inform said persons that the applicant has filed an application for a permit under this section and that said persons have 10 days from receipt of the notice to file an objection with the City Clerk. If no objection is filed and the City Clerk determines that the application meets the requirements of Paragraph 1(d) of this ordinance, the license shall be issued. If the City Clerk determines that the requirements of Paragraph 1(d) have not been met, the application shall be rejected. If an objection is filed, the City Clerk shall put the issue before the Common Council at the next regularly scheduled meeting of the Common Council that is scheduled for a date at least 10 days after the objection is filed. At the meeting, both the applicant and the objecting person shall be given an opportunity to speak before the Common Council. The permit shall be issued to the applicant upon a majority vote of the Common Council.
- c. In the event a complaint has been filed with the City before renewal of said permit within the calendar year prior to renewal and in order to have permit approval by a simple majority of those present and voting, applicants must receive written approval from not less than 50 percent of the owner-occupied neighboring property owners whose property is within 100 feet of the applicant's property lines exclusive of street right-of-way prior to approval of said permit by the Common Council. If said written approval is not obtained, then the permit can only be approved by the Common Council by a majority vote of the entire council.
- d. Applications for the permit shall be made to the City Clerk and shall include the following:
  - a. The appropriate fee as follows:
    - i. \$50 for a new application
    - ii. \$25 for a renewal of an existing permit
  - b. Proof of registration of the premise with the State of Wisconsin pursuant to Wis. Stat. §95.51 and ATCP Ch. 17 of the Wis. Adm. Code. If proof of registration is not available at the time of application, it shall be provided to the City Clerk within 30 days of the granting of a permit. In the case of a renewal of a permit granted under this section, proof of registration must be provided prior to renewal of the permit.
  - c. A description of the coop and run to be used on the property, including dimensions, location, and building materials showing that the coop and run will be compliant with Paragraph 3 of this ordinance.
- e. The City Clerk or other authorized individual shall collect the fee and shall assess and collect a late fee in the amount of \$25 from every owner of chickens, if the owner fails to obtain a permit prior to acquiring the chickens or fails to renew their permit prior to

January 1<sup>st</sup> of each year, . All late fees received or collected shall be paid into the local Treasury.

- f. No person shall own, keep or harbor any chickens, or build, erect or maintain and use any chicken coop, house, yard or other building or structure to keep or harbor chickens anywhere within the City without obtaining a permit as required by this section.
  - g. The City of Galesville and its officers may revoke a permit if there are three or more violations within any consecutive 12-month period of this or any other section of this Code.
  - h. All applicants must notify and receive permission from the owner or operator of the property if the applicant is not the owner or operator. Additionally, all applicants must notify the other occupant of a two-family dwelling if the occupant is not the owner. Notification is not required for renewal of a permit.
- (2) Use conditions. Any owner, occupier, or user of property within the City of Galesville who chooses to own, keep or harbor chickens and any chicken coop permitted under this section shall be limited to the following conditions:
- a. One property is limited to the keeping or harboring of up to five chickens.
  - b. A person may only own, keep or harbor chickens on property being used as a one-family dwelling or two-family dwelling and that is zoned as residential.
  - c. No person shall keep any rooster.
  - d. No person shall slaughter any chickens.
  - e. The chickens shall be provided with a coop and run that meets the requirements and restrictions in Section 3 of this ordinance and must be kept in the coop and run at all times.
  - f. No enclosure shall be located closer than 25 feet to any residential structure on an adjacent lot.
  - g. No enclosure shall be within 500 feet of any commercial property engaged in the production or sale of prepared, ready-to-eat food products.
  - h. All requirements under Galesville Ordinances 7-1-15 and 7-1-16
- (3) Construction and maintenance of chicken coops and runs.
- a. Upon being awarded a permit, the applicant shall provide a coop and run for their chickens. Neither a building permit nor a fence permit shall be required for the construction of a coop and run. All other applicable permits required by the City of Galesville, including but not limited to, permits required to run electric lines and/or water lines to a chicken coop and run, are still required.
  - b. A chicken coop means a new or existing enclosed accessory structure designed or modified for the keeping of chickens and meeting the requirements of this section and any applicable provisions of the City of Galesville's Zoning Code. A coop shall be constructed from conventional building materials in a workmanlike fashion or be a premanufactured enclosed structure designed specifically for the keeping of chickens in an urban environment. A newly-built or installed coop shall have a minimum of 3 square feet per chicken and cannot exceed 24 square feet in size. A chicken coop cannot exceed 8 feet in height as measured from the ground to the highest point on the chicken coop.
  - c. A chicken coop shall have a run attached and contiguous to the coop with the run constructed in a fashion to confine the chickens and in compliance with the provisions of this section. A chicken run is a fenced cage that may not exceed the greater of 40 square feet or 1% or the rear yard area. However, in no instance, may the chicken run exceed 100 square feet in area. A chicken run cannot exceed 8 feet in height as measured from the ground to the highest point on the chicken run.
  - d. A chicken coop and run may only be located in the rear yard of the property.
  - e. A chicken coop and run must be at least 8 feet from any residential structure on the property.
  - f. A chicken coop and run must be at least 3 feet from any adjoining property.

- g. The permit awarded under this section shall be displayed on the chicken coop.
- (4) Public health and safety concerns.
- a. No person shall keep any chicken within the City of Galesville in any unsanitary condition or within such proximity of dwelling houses or in any manner so as to be a nuisance.
  - b. All chicken coops, yards and other buildings shall be kept in a clean sanitary condition and free from all objectionable odors and shall be subject to the inspection and approval of the City of Galesville or their agents.
  - c. The City of Galesville and their agents shall have jurisdiction to inspect the premises upon which chickens are kept and ascertain and determine whether the conditions are unsanitary or if for any reason a nuisance is caused thereby.
  - d. A complaint against any person owning, keeping or harboring chickens in accordance with this section may be filed with the City. If the City of Galesville or their agents determines that conditions are unsanitary, or if for any reason a nuisance exists, they shall have authority to order the owner or occupant of the premises to abate the nuisance and it shall thereupon be unlawful to keep such chickens on the premises. If the problem is not satisfactorily abated within a reasonable amount of time, the City shall have the authority to revoke the permit.
  - e. Any complaints received by the City that are in violation of Trempealeau County Code of Ordinances Chapter 11, Section 11.02 – Human Health Hazard shall be forwarded to the Trempealeau County Health Department for investigation.
  - f. All unusual illnesses or death of chickens shall be reported to the Trempealeau County Health Department.
  - g. Notwithstanding any other provision in the City of Galesville ordinances, any dog or cat that kills, maims, or otherwise injures a chicken shall not be considered a dangerous and/or aggressive animal.
- (4) Bird noise. In accordance with this section, it shall be unlawful for any person, firm, corporation, or other entity operating, having charge of, or occupying any building to own, keep, harbor or allow to be kept any chicken which shall habitually by any noise disturb the peace and quiet of any person in the vicinity thereof.
- (5) Rat harborage to be prevented. All chicken yards, coops, pens or houses shall be constructed or repaired as to prevent rats from being harbored underneath the same or within the walls thereof, and all food products or other products, goods or wares likely to attract or to become infested with or infected by rats shall be protected as to prevent rats from gaining access thereto or coming in contact therewith.
- (6) Non-compliance. If it is determined that any person who owns, keeps, harbors, or allows to be kept any chicken is in violation of this ordinance, a \$169 fine shall be assessed against the permit holder. Any failure of a permit holder to pay fines assessed under this ordinance within 60 days of assessment, shall result in the revocation of the permit and shall bar the permit holder from either renewing or re-applying for a permit until the fine has been paid.

