

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND SECTION 8.12.010 KEEPING OF ANIMALS OR FOWL OF THE
MUNICIPAL CODE CITY OF RIPON, WISCONSIN**

WHEREAS, the Common Council for the City of Ripon is desirous to amend 8.12.10 Prohibited-Exception of the Municipal Code; and

**NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RIPON,
WISCONSIN TO READ AS FOLLOWS:**

That section 8.12.010 Prohibited-Exception be amended to read as follows:

8.12.010 - Prohibited—Exception.

A. Purpose and Intent. The purpose of this Section is to outline conditions under which City residents may safely keep or maintain a limited number of chickens 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 Ripon.

B. Definitions. For the purpose of this Section, the following terms have the meaning indicated:

(1) Backyard - Backyard shall mean for purposes of this Section that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersected with an imaginary line established by the rear of the single-family structure and extending to the two side lot lines.

(2) Chicken - Chicken shall mean a female hen of any age, including chicks. This definition does not include other kinds of fowl including but not limited to ducks, quail, pheasant, geese, turkeys, guinea hens, peacocks, emus, or ostriches.

(3) Coop - Coop shall mean an enclosed structure, building or pen within which chickens roost or are housed.

C. Keeping of Chickens - Chickens may be kept or maintained upon the following:

- (1) Number. No more than six (6) hens shall be allowed for each dwelling unit.
- (2) Setbacks. Coops or cages housing chickens shall be kept at least twenty-five (25) feet from the door or window of any dwelling or occupied structure other than the owner's dwelling. Coops and cages shall not be located within six (6) feet of a side-yard or rear-yard lot line. Coops and cages shall not be located in the front yard.
- (3) Enclosure. Hens shall be provided with a covered, predator-proof coop or cage that is well-ventilated and designed to be easily accessed for cleaning.

The coop shall allow at least two square feet per hen. Hens shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the property and to prevent predators from access to the birds. Hens shall not be allowed out of these enclosures unless a responsible individual, over 18 years of age, is directly monitoring the hens and able to immediately return the hens to the cage or coop if necessary.

- (4) Sanitation. The coop and outdoor enclosure must be kept in a sanitary condition and free from offensive odors. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste.
- (5) Slaughtering. There shall be no slaughtering of chickens.
- (6) Roosters. It is unlawful for any person to keep roosters.
- (7) The owner shall abide by all state laws and regulations for livestock premises registration, including applicable sections of Wisconsin Statute 95.51, and Wisconsin Administrative Code Chapter ATCP 17 and any applicable amendments thereto. Applicant shall also follow state law regarding import, purchase and sales of live poultry as set forth in ATCP 10.40 and ATCP 10.42 of the Wisconsin Administrative Code and any applicable amendments thereto.
- (8) There shall be no breeding or hatching of chickens.
- (9) Any poultry feed shall be stored so as to keep out rodents. The owner shall practice proper poultry waste disposal in order to avoid odors. Waste composting on the premises shall be allowed as long as it does not create odors or other nuisances for neighboring properties.
- (10) The main food source for the chickens should be provided in dedicated feeding containers and scatter feeding as the primary food source is prohibited (small amounts of scratch grains that do not accumulate on the property are allowable).

D. Permit - A permit shall be required to keep chickens in the City of Ripon. An application for a permit must contain the following items:

- (1) The name, phone number, and address of the applicant.
- (2) The location of the subject property.
- (3) A proposal containing the following information.
 - i. A description of any coops, cages or outdoor enclosures, providing dimensions and the precise location (if fixed) of these enclosures in relation to property lines and adjacent properties. If applicant proposes to use a mobile coop and/or a chicken run, the dimensions of the structure(s) shall be provided and the area of requested allowed placement areas shall be provided.

- ii. The application and annual renewal fee for the permit shall be set from time to time by the Common Council.
- (4) If the applicant proposes to keep chickens in the yard of a rented dwelling, the applicant must present a signed statement from the owner of the dwelling consenting to the applicant's proposal for keeping chickens on the premises.
- (5) Chickens may only be kept on single-family unit lots. Chickens may not be kept on two-family or multiple-family lots.
- (6) Permit Renewal. Permits will be granted on an annual basis (unless this Chicken Ordinance is repealed). If the permittee follows the terms of the ordinance, the permit will be presumptively renewed (unless this Chicken Ordinance is repealed) and the applicant may continue to keep chickens under the terms and conditions of the initial permit. The City may refuse to renew or may revoke the permit at any time, (after giving the permittee a 30 day notice of the basis for the revocation or nonrenewal and an opportunity to be heard on the issue) if the permittee does not follow the terms of this ordinance, or if the City finds that the permit holder has not maintained the chickens, coops, or outdoor enclosures in a clean and sanitary condition.

If the Backyard Chicken Ordinance is repealed, no party shall have the right to keep chickens based on a nonconforming use status obtained under this ordinance.

- (7) Penalty. Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be subject to a penalty of not less than fifty dollars or more than one hundred dollars for the first offense; and for the second offense within year, shall be subject to a penalty of not less than one hundred dollars or more than two hundred dollars; and for a third and subsequent offenses within one year not less than two hundred dollars or more than three hundred dollars, together with the costs of prosecution.

Theodore Grant, Mayor

ATTEST:

Adam Sonntag, City Administrator

AYES _____ NAYES _____
PASSED THIS _____ DAY OF _____, 2023.
PUBLISHED THIS _____ DAY OF _____, 2023.

Approved as to form:

Ludwig L. Wurtz, City Attorney