

§ 94-29 BACKYARD CHICKENS

RULES AND REGULATIONS

In conjunction with the adoption of §94-17 Prohibited and protected animals, the follows rules, regulations, and restrictions are hereby adopted;

- A. Persons desiring to keep chickens within the City of Manawa shall obtain an annual permit from the Police Department. The fees shall be included in the City's fee schedule. Before a permit is issued, the applicant must provide a plan on the form provided by the City that includes a detailed diagram of the coop location, including distances from nearby structures on neighboring properties, coop design and materials plan, a plan to dispose of manure in a safe and adequate manner and comply with Wisconsin Department of Agriculture, Trade and Consumer Protection's premises registration program.
- B. The keeping of up to six (6) chickens, with a permit, is allowed on single- or two-family dwellings only. Permits will not be allowed on commercial or mixed-use occupancies.
- C. The term "chicken" used throughout these regulations shall exclusively mean a female gallinaceous bird or hen of any age (including chicks). The term "chicken" does not include roosters or other kinds of fowl, including but not limited to, ducks, quail, grouse, pheasant, turkeys, peacocks, emus, ostriches, or the like.
- D. Property Requirements
 - (1.) Written permission from the property owner is required if the permit applicant does not own the property where chickens will be kept.
 - (2.) Chickens shall not be kept or maintained upon a vacant lot, inside a residential dwelling unit including; basements, porches, garages, sheds, or similar storage structures.

- (3.) A coop shall be located in the rear yard of the license holder's residence. For purposes of these regulations, "rear yard" shall be defined by zoning in Chapter 303. The front of the house is where the street address is assigned.
- (4.) Coop and chicken run placement shall be at a minimum of, but not limited to, a three (3) foot setback from side and rear lot lines. Coop placement must be a minimum of 10 feet from any structure of the parcel. In addition, coops shall not be closer than 25 feet to a residential dwelling, church, school, or business on an abutting lot.

E. Coop Design

- (1.) All chickens shall be kept and maintained within a ventilated and roofed coop in compliance with any applicable city codes.
- (2.) The coop's structural floor area shall be no less than two (2) square feet per bird, and the height of the coop shall not exceed eight (8) linear feet as measured vertically from the coop's grade level to the outside highest point of the coop.
- (3.) All coops, including an attached chicken run enclosure, shall be enclosed with wire netting or equivalent material that prevents chickens from escaping the coop and predators from entering the coop. The chicken enclosure shall be limited to a maximum of 100 square feet.
- (4.) Coops shall be built in a workmanlike manner with quality materials and shall be moisture resistant.
- (5.) Coop floors should generally be composed of a hard, cleanable surface, e.g., painted, or sealed wood, linoleum, hard plastic, and shall be resistant to rodents. A dirt floor is acceptable, if a buried vertical metal barrier, two (2) feet in depth, is placed around the perimeter of the structure to prevent predators from entering.
- (6.) Coops shall be entirely removed from the property within 30 days of a previously issued permit expiring and not being renewed.

F. Conditions for keeping and Sanitation

- (1.) Not more than six (6) chickens may be kept on a property.

- (2.) Chickens shall be kept or maintained within a coop, or attached chicken run enclosure, at all times and be provided with adequate water, feed, and shelter. No free-range chickens.
- (3.) Deceased chickens shall be disposed of immediately in safe manner, which may include trash disposal after placing the deceased chicken in a sealed bag.
- (4.) **Unusual illness or death of chickens shall be immediately reported to the Waupaca County Health Department and the Manawa PD.**
- (5.) Offsite sale of eggs is allowed in accordance to the State of Wisconsin and the USDA.
- (6.) Coops and chicken runs shall be cleaned of hen droppings, uneaten feed, feathers, and other waste as necessary to ensure the birds health and minimize odor and other nuisances.
- (7.) Feed shall be stored in containers which make the feed inaccessible to rodents, vermin, wild birds, and predators.
- (8.) The slaughtering and processing of chickens, kept pursuant to a permit, on the permit holder's property, is permissible inside of a building.

G. Permits and Fees

- (1.) Permits shall be issued on an annual basis and expire on June 30th.
- (2.) Permits shall not be transferrable and license application fees shall not be prorated or refundable.
- (3.) The City is authorized to issue a permit pursuant to this section upon the applicant satisfying all requirements set forth herein and upon confirmation from the Chief of Police, or designee, that all setback requirements are met and all work requiring permits has been completed.
- (4.) Applications that are not approved shall, upon written request from the applicant, and received by the City within **15 days** of denial, be reviewed by the Protection and Welfare Committee at its next regularly scheduled meeting.

H. Enforcement

- (1.) Permits for backyard chickens are issued by the Chief of Police, or designee. The Police Department and the Waupaca County Health Department shall have jurisdiction to investigate and enforce any failure to comply with these requirements. These departments may issue compliance orders and take enforcement action, pursuant to these requirements and the municipal code that may apply and state law.
- (2.) Violations of these requirements may also constitute a public nuisance under the City of Manawa Municipal Code and Wisconsin Statutes.
- (3.) In addition to any other penalties imposed, any actual costs incurred by the City resulting from the abatement of a nuisance or other violation of these rules and regulations, shall be collected by the City as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance and, if notice to abate the nuisance or violation has been given to the owner, such cost shall be assessed against the real estate as a special charge.
- (4.) In addition to taking enforcement action in municipal or circuit court, the City shall have the right to suspend or revoke any permit issued pursuant to this section for violations of ordinances, laws, or requirements regulating activity and for other good cause.

I. Appeals

- (1.) Any person aggrieved by the denial of a permit, or by suspension or revocation of a permit by the Police Chief, or designee, or by any temporary suspension, or any other order may appeal any such order to the Protection and Welfare Committee within **15 days** of denial, suspension, or revocation of a permit, or issuance of the order. The person aggrieved would request a hearing in writing and by scheduling it with the City Clerk's Office. The Protection and Welfare Committee shall provide the appellant a hearing, or opportunity for a hearing, on the matter and may either suspend, or continue any such order pending determination of appeal. The Committee shall make a

recommendation to the Common Council regarding approval of said permit. The City Clerk's Office shall make and keep a record of all proceedings related to any such appeal and the record and actions of the Protection and Welfare Committee and the Common Council shall be subject to final review by the Waupaca County Circuit Court by certiorari within **30 days** of service of the final decision.

J. Severability

(1). If any section of these rules and regulations is found to be unconstitutional, or otherwise invalid, the validity of the remaining sections shall not be affected.

9/16/2024