

CITY OF KAUKAUNA

ORDINANCE NO. 1926-2025

ORDINANCE REPEALING AND REPLACING SECTION 12.17

WHEREAS, the Common Council determined the ordinance regarding the keeping of chickens was in need of updating to better serve the community by allowing more residents to have chickens; and,

WHEREAS, the Legislative committee has recommended the following ordinance changes; and,

WHEREAS, the Common Council finds the following ordinance changes to be in the public interest; and,

NOW THEREFORE, it is ordained by the Common Council of the City of Kaukauna, Wisconsin, that Ordinance Section 12.17 of the Kaukauna Municipal Code be repealed and replaced as follows:

BEFORE REPEAL AND REPLACE

12.17 Chicken Keeping Permit

1. *Permit required.* No person shall possess, keep, or harbor hens or chicks in the city without first obtaining a chicken keeping permit, and payment to the city of a \$24.00 annual chicken keeping permit fee. No more than a total of six (6) hens and/or chicks shall be permitted to be kept for each chicken keeping permit issued. No more than one chicken keeping permit shall be issued for any property or household.
2. *Permits limited.* Not more than ten (10) chicken keeping permits shall be issued and in effect at any one time. Permits shall be issued to the first ten (10) applicants evidencing conformance with all requirements set forth in this section 12.17.
3. *Property requirements.* A coop shall be located only in the rear yard. Coops shall be located not less than 50 feet from any side and rear lot lines, and shall be a minimum of 100 feet from any dwelling structure and a minimum of 25 feet from any public sidewalk
4. *Property requirement exceptions for those properties or coop locations that do not meet the setback requirements as set forth in paragraph (4)(c).* When prior written approval is provided from all abutting property owners that have an occupied dwelling unit within 100 feet of proposed coop location the following coop location requirements shall apply: A coop shall be located only in the rear yard. Coops shall be located not less than ten feet from any side and rear lot lines, and shall be a minimum of 25 feet from any dwelling structure or public sidewalk.
5. *New dwellings, new owners.* If a new dwelling unit is built upon, or if a new owner purchases, abutting property after permit is issued, the permit holder shall be responsible for meeting all requirements set forth in this section, and shall be required to

move the coop, obtain written authorization of abutting property owners that have an occupied dwelling unit within 100 feet, or remove the coop from the premises within 30 days of non-compliance resulting from such new dwelling unit or new ownership.

6. *Coop requirements.* All chickens shall be kept in a ventilated and roofed coop with the floor area of not less than three (3) square feet for each hen. All coops must include an enclosed run area, and all components of the coop shall be enclosed with wire netting or material that prevents chickens from escaping the coop and of adequate structure to prevent predators from entering the coop. All coops must be kept in clean and sanitary condition, and shall not cause any objectionable odor. Chickens shall not be kept upon a vacant lot, inside a residential dwelling unit or attachments thereto, including basements, garages, porches, sheds or other similar structures. Chickens shall not be allowed within a residential dwelling unit.
7. *Permit subject to review.* Premises shall be subject to review by City personnel. Where deficiencies in compliance with this section are noted upon review and/or inspection, permits may be revoked. Upon revocation or expiration of a non-renewed annual chicken keeping permit coops shall be removed within 30 days of such revocation or expiration. If the permit holder, owner or occupant fails or refuses to remove the coop within 30 days of such revocation or expiration, the city shall enter upon the premises and cause the coop and any animals therein to be removed and the city shall recover the costs and expenses thereof from the property owner, occupant, or permit holder. In addition to any other penalty imposed by this, the cost of abating a non-compliant coop by the City shall be collected as a debt from the owner, occupant, or permit holder, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

AFTER REPEAL AND REPLACE

12.17 Chicken Keeping Permit

1. *Permit required.* No person shall possess, keep, or harbor hens or chicks in the city without first obtaining a chicken keeping permit, and payment ~~of the to the city of a \$24.00~~ annual chicken keeping permit fee ~~as from time to time set by the city council by resolution. Permits will be issued on an annual basis commencing the calendar year January 1 and terminating on December 31 of the same calendar year.~~ No more than a total of six (6) hens and/or chicks shall be permitted to be kept for each chicken keeping permit issued. No more than one chicken keeping permit shall be issued for any property or household.
- ~~2. *Permits limited.* Not more than ten (10) chicken keeping permits shall be issued and in effect at any one time. Permits shall be issued to the first ten (10) applicants evidencing conformance with all requirements set forth in this section 12.17.~~
2. *Property requirements.* A coop shall be located only in the rear yard. Coops shall be located not less than 50 feet from any side and rear lot lines, and shall be a minimum of 100 feet from any dwelling structure and a minimum of 25 feet from any public sidewalk

3. *Property requirement exceptions for those properties or coop locations that do not meet the setback requirements as set forth in paragraph (4)(c).* When prior written approval is provided from all abutting property owners that have an occupied dwelling unit within 100 feet of proposed coop location the following coop location requirements shall apply: A coop shall be located only in the rear yard. Coops shall be located not less than ten feet from any side and rear lot lines, and shall be a minimum of 25 feet from any neighboring dwelling ~~structure~~ or public sidewalk. *The coop must be at least 5 feet from the dwelling on the property. Corner lots may be exempt from the 10 foot setback from property lines if, due to layout of property, the 10 foot setback cannot be met, and all other provisions can be met, provided the coop is at least 3 feet from property lines.*
4. *New dwellings, ~~new owners~~.* If a new dwelling unit is built upon, ~~or if a new owner purchases,~~ abutting property after permit is issued, the permit holder shall be responsible for meeting all requirements set forth in this section, and shall be required to move the coop, obtain written authorization of abutting property owners that have an occupied dwelling unit within 100 feet, or remove the coop from the premises within 30 days of non-compliance resulting from such new dwelling unit ~~or new ownership~~.
5. *Coop requirements.* All chickens shall be kept in a ventilated and roofed coop with the floor area of not less than three (3) square feet for each hen. All coops must include an enclosed run area, and all components of the coop shall be enclosed with wire netting or material that prevents chickens from escaping the coop and of adequate structure to prevent predators from entering the coop. All coops must be kept in clean and sanitary condition, and shall not cause any objectionable odor. Chickens shall not be kept upon a vacant lot, inside a residential dwelling unit or attachments thereto, including basements, garages, porches, sheds or other similar structures. Chickens shall not be allowed within a residential dwelling unit.
6. *Permit subject to review.* Premises shall be subject to review by *the Planning and Community Development Department* ~~City personnel~~. Where deficiencies in compliance with this section are noted upon review and/or inspection, permits may be revoked. Upon revocation or expiration of a non-renewed annual chicken keeping permit coops shall be removed within 30 days of such revocation or expiration. If the permit holder, owner or occupant fails or refuses to remove the coop within 30 days of such revocation or expiration, the city shall enter upon the premises and cause the coop and any animals therein to be removed and the city shall recover the costs and expenses thereof from the property owner, occupant, or permit holder. In addition to any other penalty imposed by this, the cost of abating a non-compliant coop by the City shall be collected as a debt from the owner, occupant, or permit holder, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge. *Appeals to any revocation are to be submitted in writing within 30 days of revocation of permit to the Planning and Community Development Department and will be heard by the Common Council.*

Introduced and adopted by Common Council on the 6th day of May, 2025.

APPROVED: _____

Anthony J. Penterman, Mayor

ATTTEST: _____

Kayla Nessmann, Clerk