



## CITY OF WAUWATOSA

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### COMMUNITY DEVELOPMENT COMMITTEE

Meeting – Tuesday, January 8, 2013

Committee Room #1

**PRESENT:** Alds. Berdan, Causier, McBride, Moldenhauer, Pantuso, Roznowski, Walz-Chojnacki, Wilke – 8

**ALSO PRESENT:** E. Miller-Carter, Asst. City Atty.; A. Kesner, City Attorney; J. Archambo, City Admin.; Ald. Walz-Chojnacki

Ald. Roznowski as Chair called the meeting to order at 8:25 p.m.

#### **Proposed Ordinance – Keeping of Chickens**

As requested by this committee following previous discussions, Ms. Miller-Carter, Assistant City Attorney, reported that she has drafted an ordinance concerning the keeping of chickens with city limits that is based on the City of Milwaukee chicken ordinance. It requires licensing of each animal on an annual basis. Licenses would be non-transferrable and fees non-refundable. Unlike dogs and cats, chickens would not be individually tagged. The ordinance requires site plan approval by the Development Director as well as signed approval by abutting neighbors. Eggs could be given away but not sold commercially.

Although there is a lot of information online, Ms. Miller-Carter reported that she was unable to find any actual classes, so there is no education requirement in the ordinance. There also is no specific size requirement for chicken coops or enclosures aside from a statement that coops and yards together shall be large enough to provide at least 16 square feet of space per chicken, which allows some leeway.

Ald. McBride questioned references to the “Community Development Director,” which should be changed to “Development Director,” and language in Part III, which he felt should prohibit all sales of fowl rather than referencing just baby animals. In Part II, he suggested removing “any residential district,” thereby making it unlawful to keep, harbor, or maintain live roosters, turkeys, gees, or ducks in any part of the city. Ald. McBride also raised a grammatical issue regarding use of commas.

Milwaukee Alderman Nick Kovack, 1129 E. Center Street, Milwaukee, who was the lead sponsor on the Milwaukee ordinance, said that their ordinance was very carefully crafted since there initially was a lot of resistance. One compromise was the requirement for permission from anyone whose lot line touches the applicant’s, which eliminated concerns about staff time. The matter of allowing chickens initially passed by an 8-5 vote but passed by a 13-1 vote following the trial period. With 14 permits, there were 21 complaints about chickens in general, all unconnected to the permitted sites with the exception of one neighbor’s concern about a rat problem that was found to be unrelated.

Citizens in attendance who offered comments and questions were: Henry and Ed Buck, 6839 Cedar Street; Bill Watson, 1065 N. 68<sup>th</sup> Street; Cornelia Bialke, 1443 Alice Street; Nancy Smith-Watson, 1065 N. 68<sup>th</sup> Street; Clay Eklund, 615 N. 117<sup>th</sup> Street; Robinson, 7831 Eagle Street; Sean Van Zeeland, 10114 W. Auer Avenue, and Ross Mattis, 532 N. 67<sup>th</sup> Street. There was strong support for the ordinance with some opposition to individual rather than group/flock licensing. There were some concerns about the neighborhood notification process as well as construction and size issues.

Mr. Kovack reported that there were extensive discussions with Milwaukee’s health commissioner before proceeding. It was found that bird flu tends to be a result of large numbers in one place, particularly in connection with slaughtering. Milwaukee authorities felt the risk with four birds to be fairly negligible

Asked if Milwaukee has incurred any extra cost by licensing chickens as a group rather than individually, Mr. Kovack said that their cost has been in connection with paperwork. They charge a one-time \$25 fee.

Ms. Miller-Carter clarified that a neighbor could not rescind his approval but could use the complaint process if there were concerns. A new neighbor of an approved site would also have recourse to the complaint process. Neighborhood approval wouldn't have to be renewed. If a chicken dies, the City would like to know of it, especially in the initial stages, and any replacement would require a new license. Requiring one license per chicken helps address fiscal concerns, and helps cover costs, Ms. Miller-Carter explained.

Mr. Kesner pointed out that neighbor notification is required by the City in other situations such as various permits (air conditioning units in side yards, for example), and the City is required to notify anyone within 200 feet for many zoning issues and provide an opportunity to object.

Ald. Walz-Chojnacki, felt that keeping of chickens will be found to be completely benign. He favors licensing on a per-site basis, or per animal at one-quarter the cost of a dog license. He noted that owners would have a direct interest in availing themselves of all resources. Neighbor notification is a reasonable way to get over a cultural hurdle, he commented. At the end of the one-year trial, adjustments can be made as needed.

Moved by Ald. Pantuso, seconded by Ald. McBride to recommend  
introduction of the ordinance –

Ald. Pantuso noted that we will have a year of data to help decide how to proceed. Right now, some compromises are needed to allow it to pass. Licensing is needed in order to recover some of the associated costs, he felt.

Ald. McBride favored moving ahead with the ordinance as drafted and reiterated the amendments he proposed earlier: 1) a series of three or more before a conjunction requires a comma; 2) clarification of Part III's reference to baby animals; and 3) consideration of striking "any residential district" in Part II. The mover and second concurred with those recommendations.

Referring to Section I C 8 of the ordinance, Ald. Wilke felt that allowance should be made for an enclosure or coop closer than 25 feet to a residential dwelling on an adjacent lot with permission of the adjacent property owner. He also suggested removing "side yard" from Section I C 9 in the statement, "No enclosure or coop shall be located in the front *or* side yard of a dwelling," which would address situations with corner lots. The mover and second concurred with the changes.

There was further discussion and clarification of the requirement for coops and yards to be large enough to provide at least 16 square feet of space per chicken. Ms. Miller-Carter noted that the reference is to coop and run space combined with the yard.

Ald. Berdan expressed strong opposition to the ordinance based on her online research findings. She cited references to it being a fad, craze, or hobby and felt that we don't have the structure or funding to address it if this goes wrong. She believes there are residents illegally raising chickens in Wauwatosa now, some with upwards of 40 and some with roosters. She was especially concerned about the 19 diseases that she learned could be transmitted to humans as well as the cost and training required to add this to health or building inspectors' responsibilities.

Ald. Moldenhauer also spoke in opposition, citing health concerns, attraction of varmints such as coyotes, insufficient lot sizes, undefined and undeterminable cost to the city, stretching code enforcement

resources, egg consumption, and how to dispose of unwanted chickens. He reported that he has received only negative responses to polling he has done in his district.

Ald. Causier felt that we are at a point where we can give this a try. She advocated proceeding with a trial period that will yield data to provide guidance on how to proceed.

The Chair thanked staff, Ald. Kovack of Milwaukee, and all participants. We have learned a lot since this issue was first raised, and it is clearly worth a trial, he felt. We can stop it or tweak it as needed and will revisit it in a year.

The Chair restated the motion, with amendments accepted by the mover and second, as follows:

Moved by Ald. Pantuso, seconded by Ald. McBride to recommend to Council introduction of the ordinance as drafted, with the following changes: 1) appropriate placement of commas; 2) City Attorney review inconsistencies in references to baby animals in Part II; 3) City Attorney review inconsistencies in use of “residential district: in Part II; 4) allow 25-foot restriction in Part I C 8 to be less subject to neighborhood approval; 5) strike “side yard” from Part I C 9.

Ayes: 6; Noes: 2 (Berdan, Moldenhauer)

The Chair explained the process for ordinance approval by the Common Council, noting that the proposed ordinance will appear on this committee’s agenda on January 29 prior to final Council vote.

The meeting adjourned at 9:55 p.m.

Carla A. Ledesma, City Clerk

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