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COMMUNITY DEVELOPMENT COMMITTEE MEETING
Tuesday, September 24, 2013
Committee Room #2

PRESENT: Alds. Roznowski, Pantuso, Moldenhauer, Walz-Chojnacki, McBride, Wilke,
Causier – 7

EXCUSED: Ald. Berdan

ALSO PRESENT: E. Miller-Carter, Asst. City Attorney

Ald. Roznowski as Chair called the meeting to order at 8:10 p.m.

Six month review of the chicken ordinance

The committee reviewed a memo by the Assistant City Attorney regarding the six month review of the urban chicken ordinance.

The purpose of the review is to determine whether council should allow expiration of the ordinance on February 5, 2014 under the sunset provision or extend the ordinance with no further changes or with changes, and identify and recommend changes.

The ordinance was drafted with a sunset provision allowing the ordinance to expire automatically after one year. An extension or change to the ordinance requires committee and council action.

The Assistant City Attorney provided an overview of what the license process was like in city hall and outside and what the experience has been. She explained the rationale behind licensing per chicken instead of per coop. Ms. Miller-Carter said there was the concern of the opportunity to have more chickens per coop than the four allowed, if individual chickens were not licensed. Ms. Miller-Carter felt clarification may be necessary for what constitutes a ‘neighbor’ regarding the consent form. She wondered if it were to include a business. She didn’t feel a restaurant owner may like the idea of a neighboring home having a chicken coop. She explained that the ordinance would probably require tweaking if it is extended.

Ms. Miller-Carter said that currently there are four chicken owners with a total of fifteen chickens licensed. There has been a total of \$225 collected in chicken fees. One complaint was received about the licensing process and a complaint was received regarding unlicensed chickens.

Ms. Enders said that the license application is available from the City Clerk or online. After applying for the license the application is forwarded to the Development office where staff verifies ownership. There was a glitch in the system when a complaint was received about an unlicensed coop and it was uncertain what department would deal with that. A lot of staff time was spent on this one issue. She assured the committee that the application process has been streamlined.

Eric Fowler, 11008 W. Ruby, owner of four chickens suggested that ‘everyone’ had chickens in their yard before 1946. It is not a new concept. He said it is very important for his family to have sustainability and felt it important to know where their food comes from. He explained that they own four chickens that live in an

8 ft. x 10 ft. chicken coop. He said that three of his neighbors came to this meeting tonight to support the ordinance. He said he really does not know his neighbors but they enjoy watching the chickens. Mr. Fowler said their chicken coop has been a good experience.

Jerry Gabor, 707 W. Wisconsin Avenue, has a chicken coop with only three chickens. He said his neighbors also enjoy the chickens and have come over to meet them. He said the neighborhood children also enjoy them. He felt they are a great pet that offers eggs and a lot less work and nuisance than a cat. He also noted the chickens are easier to clean-up after than his dogs are. He offered up that he named his chickens after the Dixie Chicks and they are having a lot of fun with them. He felt having to have the neighbors' consent to the coop has been a good experience; before that there was not much interaction with the neighbors. Mr. Gabor said he would also offer up an opportunity for visitors to come look at their coop

Nancy Smith Watson, 1065 N. 68th Street, said she has three chickens, the fourth one died. She noted that part of the learning process was learning the different breed of chickens. She said that the one chicken that died was less fluffy than the other breeds she has and had a stressful winter.

The committee discussed moving forward with the ordinance. It was noted that the process has to be streamlined and it was felt that the 'per chicken' license fee was too high. Ald. Wilke suggested a fee structure similar to the City of Milwaukee. The City of Milwaukee has a one-time fee for a chicken coop. The residents in Milwaukee submit their consent forms and pay the fee and no follow-up is done unless a complaint is received. Ald. Wilke felt the program should run on the honor system. The City should trust its residents that they will follow the ordinance and only have the number of chickens allowed. The committee suggested that the consent be by neighboring property owner. The city's ordinance is worded neighboring property and it was decided to be OK.

Ms. Miller-Carter explained the reason behind licensing each chicken was to be able to track them. So the health department can track if a chicken gets sick or dies it would get noted. The city should be made aware of any changes and if a chicken is replaced it currently needs to be licensed.

Ald. Wilke strongly suggested a coop fee be instituted similar to the fee schedule for dog and cat licenses. He didn't think the City tracked dogs or cats and questioned why the need to track chickens. Ms. Miller-Carter noted that the fee charged per chicken is consistent with dog and cat licenses.

Ald. McBride excused at 8:42 p.m. - 6

Ald. Moldenhauer took exception to the request that fees be reduced. Although the City may have more licensed chickens next year, he didn't feel the taxpayers should have to burden the expense of the chickens. He felt the people wanting to have a chicken coop should pay the costs associated with it.

Ald. Walz-Chojnacki said that there is a nuisance ordinance in the city and neighbors will complain if there are issues with chickens. He felt strongly that the fees should be reduced.

Ald. Causier was undecided on whether to charge per chicken or per coop. She said that chickens are not a domestic animal so the same fee structure is not necessarily comparable.

Ald. Roznowski thanked the Fowler family for allowing alderpersons the opportunity to see their chicken coop. He said the experience was very helpful and the coop was very safe and clean and not noisy. The chickens are bringing the neighbors together which is a nice cultural thing.

Ald. Wilke said by the City streamlining the licensing process it should reduce the costs. If the city wants to track the chickens there should be a compromise and the fee should be affordable. He suggested the neighboring consent form remain in place.

Ald. Wilke moved to remove the sunset clause and license the coop instead of per chicken equivalent to the dog and cat annual fee. Keep the neighbor consent form in place and the licensing process to be streamlined through the Development Department -

Ald. Pantuso seconded with a friendly amendment, that this be reviewed in six months, from the adoption date, to make sure the changes are going well.

Ald. Wilke suggested a one year review from adoption date.

Ald. Pantuso revised his friendly amendment that this ordinance be reviewed nine months after adoption.

Ald. Causier felt nine months would be enough time to work out any problems.

Ald. Walz-Chojnacki would not vote in favor as it originally was to be a one-year trial and also because two committee members are not present. He felt disinclined to vote for the proposed ordinance.

Ald. Wilke reminded the committee that this will come back for discussion in nine months and felt a vote was appropriate.

Ald. Moldenhauer said he will vote no because he has issues with the ordinance.

Ald. Roznowski felt that a nine month review would be appropriate. This would allow for another licensing period in the spring.

Ald. Wilke accepted the friendly amendment and requested the roll call be taken.

Motion by Ald. Wilke, seconded by Ald. Pantuso to recommend for introduction an amendment to portions of Chapter 9 of the Wauwatosa Municipal Code with the following changes: the chicken ordinance permanent by removing the sunset clause, charge an annual fee per chicken coop instead of per chicken fee at the rate equivalent to the dog and cat license. The approval process should be streamlined through the Development Department. The committee requested a nine month review after ordinance adoption. The neighboring homes consent process should remain in place.

Ayes: 5 Noes: 1 (Moldenhauer)

The meeting adjourned at 9:00 p.m.

Carla A. Ledesma, City Clerk
City of Wauwatosa

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