

**PUBLIC NOTICE**

**PUBLIC HEARING**

September 5, 2019

NOTICE IS HEREBY GIVEN that the Plans Commission of the Village Board of the Village of Albany, Wisconsin will meet at **6:30 p.m. on the 5<sup>th</sup> day of September 2019 in the Albany Village Hall located at 206 North Water Street** for the purpose of holding a public hearing as prescribed by sec 985.07, Wis. Stats to consider the following item:

To consider the adoption of **Ordinance 01-19: Ordinance regarding the keeping of chickens within the Village of Albany.** The ordinance would allow up to four chickens ó NO roosters ó to be kept in single family residential districts as long as all rules are followed and the required permit is purchased. A copy of this ordinance is available on the village's website ([albanywi.org](http://albanywi.org)) or a copy would be available at the village hall for review.

All persons interested are invited to attend this hearing and be heard. If you cannot attend the hearing, you may send written comments to: Village of Albany, 206 North Water Street, Albany, WI 53502 by the hearing date ó or email comments to the following address: [VillageClerk@albanywi.org](mailto:VillageClerk@albanywi.org). Any questions, please call the village hall at (608)-862-3240.

LAURIE K. KEEPERS  
Village Clerk  
Village of Albany

DATED: August 22, 2019

**ORDINANCE 01-19**  
**ORDINANCE REGARDING THE KEEPING OF CHICKENS WITHIN THE VILLAGE OF**  
**ALBANY CODE OF ORDINANCES: ORDINANCE §74-22**

1. Permit required. No chickens may be kept in the Village of Albany without a permit issued pursuant to this section.
2. Permit application requirements. Applicants for a permit to keep chickens must meet certain minimum criteria:
  - a. Resident of the Village of Albany. Applicants must reside in the village limits of the Village of Albany.
  - b. Single family dwelling only. Residents of single family dwellings located within the village may apply.
  - c. Proof of residency. The minimum standards required to establish residency for purposes of becoming a registered voter must be met to prove the residency of the applicant.
  - d. If applicant is not the owner of the dwelling, a certificate of ownership must be signed by the owner and notarized along with permission for renter to have chickens on the property.
  - e. One permit per address. No more than one permit will be issued to any address within the village at any one time. Permit will become null and void if property is sold and new owner must reapply.
  - f. Fully complete checklist for coop.

**OBTAINING A PERMIT**

1. Application for permit for possession of live chickens must be filled out and turned in to the clerk's office for approval by the Plans Commission to the village board along with the following:
  - a. Accurately scaled drawing showing the location of the proposed coop and any chicken run, distances to lot lines and distances to nearest adjoining principal structure and accessory buildings, together with dimensions of the coop and chicken run.
  - b. Satisfactory evidence that the applicant has registered the proposed location with the Wisconsin Department of Agricultural Trade and Consumer Protection pursuant to section 95.51 of the Wisconsin Statutes and section ATCP 17 of the Wisconsin Administrative Code. Register with the Wisconsin Department of Agriculture, Trade, and Consumer Protection "Livestock Premises Registration" at <http://www.wiid.org/pdf/AH-LP-100-Premises-registration-form-2012.pdf> . This registration is free and can be done online or the form can be printed, completed and mailed in. Once registered, a registration number will be issued.
  - c. Permit fee as set by Resolution of the Village Board.
  - d. If necessary, Property Owner's Notarized Signature (required only if the applicant is not the owner of the property for which permit is requested).
2. Permits are for a one-year term beginning July 1 and ending June 30 of the following year unless revoked according to the penalties enumerated in this section. First time permit applicants may receive up to a 30 day grace period if there has not been enough time to verify that the chickens are going to live or the sex of the chicken before the permit due date.

3. A permit holder must pay a permit renewal fee annually. This fee will not be prorated for any portion of a year. The Village Board shall determine the renewal fee by resolution.

#### EXCEPTIONS

1. Exceptions; The exceptions to this ordinance are as follows: where the chickens are in the care, custody or control of: a veterinarian for treatment; agricultural fairs; shows or projects of the 4H Clubs, a display for judging purposes; an itinerant or transient carnival, circus or other show, public or private educational institutions; licensed pet shops; or zoological gardens if all ordinances 74-13D(1)(2)(3) are followed.

#### STANDARDS

The following standards must be met to obtain and keep the permit:

1. Chickens allowed. Permit holders may keep female chickens (hens) at their place of residence, provided they comply with all requirements of this section.
2. Live roosters are not allowed within the village limits of Albany beyond the age of 60 days.
3. Required zoning. Chickens may only be kept at residences zoned as single-family dwellings or agriculturally zoned property according to village ordinances.
4. Maximum number of hens. No more than four (4) hens are allowed at any time. The only short term exception to this rule is at the time of receiving the eggs/chicks as there may be a higher number given to assure that at least 4 survive. At the time that the actual feathers begin to grow on the chicks, there must only be four (4) hens at that time.
5. No slaughtering. The slaughtering of chickens is not allowed within the Village limits of Albany, except on properties zoned and approved for such use.
6. Bird fighting. Raising or keeping of hens for fighting and the fighting of hens and other fowl is not allowed within the Village of Albany as per State Statute 951.08, Wis. Stats.
7. Chicken feed. All chicken feed must be kept in airtight containers that are out of reach from other animals.
8. Chicken coops. Hens must be provided with a building structure to house them, which complies with the accessory structure requirements of State Statutes 615-72.
  - a. Coops must have proper ventilation during all times of the year.
  - b. Coops must be cleaned daily and the waste must be properly disposed of according to village code 74-10 Animal feces, or properly composted.
  - c. Water must be cleaned and filled daily and not be frozen.
  - d. Coops must provide access to the chicken run.
  - e. No coop or run shall be located closer than 10 feet to an adjacent lot line. Coops must be located in the rear yard of the property or non-address side yard on corner lots.
  - f. The property owner is responsible for ensuring that activities on the property related to the keeping of chickens do not violate other village ordinances, **to include those applicable regarding public nuisances (Chapter 194) such as, odor (194-9H), running at large (194-J), and noise (194-11(J) and all others. All applicable ordinances in Chapter 74 (Animals) must also be followed.**
  - g. Chicken runs. The chickens must be provided with an outdoor fenced structure in which to run around in accordance with the village ordinances. The fencing must have spacing of no more than one inch. The top of the run must be covered with fencing with spacing of one inch or less. No run shall be located closer than 10 feet to an adjacent lot line. Runs must be located in the rear yard of the property or non-address side yard on corner lots.
9. General care requirements. Chickens must be properly cared for as follows:
  - h. Food must be provided daily and must be proper for chickens in accordance with State Statute 951.13(2), Wisconsin stats.
  - i. Clean water must be provided at all times and changed daily in accordance with State Statute 951.13(2), Wisconsin stats. Also shall never be frozen.

#### PENALTIES

The keeping of chickens in the Village by any person not in compliance with this section is prohibited. Violations shall be subject to the penalties set forth in Village ordinances 74-21 and 194-14 or any other appropriate ordinance of the Village Code of Ordinances.