



City of Waukesha

City Hall,
201 Delafield Street
Waukesha, WI 53188

Meeting Minutes - Draft

Ordinance & License Committee

Monday, January 23, 2023

6:00 PM

Council Chambers, City Hall

1. Call to Order

Alderman Johnson called the meeting to order at 6:00 PM

Present 5 - Steve Johnson, Dean D. Lemke, Elizabeth Moltzan, Mike M. Payne, and Cassandra Rodriguez

2. Public Comment

The following residents spoke regarding of the Consideration of Ordinance to regulate chicken keeping:

Lisa Salb - 434 Madison St

Natalie Johnson - 819 Buena Vista Ave

Nikole Lyons - 126 Columbia Ave

Sue Page - 2121 Tallgrass Circle

Zack Verana - 2855 Silvernail Rd

Jessixa Sosnoski - 224 W. Wabash Ave

Amy Manthey - 2701 Northview Rd

Sky Burmeister - 736 Pleasant St.

Melissa Schulz - 1033 Canterbury Ln

Stephen Green - N30W27460 Green Dragonfly Island

Michael Stark - 1917 Easy St.

3. Approval of Minutes

The O&L minutes from 01/09/2023 were approved by unanimous consent.

A. ID#23-5898

Attachments: Meeting Minutes for OL 1-9-23

4. Licenses

A. ID#23-5903

Attachments: Invited Bartenders for OL 1-23-2023

A motion was made by Ald. M. Payne, seconded by Ald. D. Lemke, to approve Invited Bartenders - Bear Milne. The motion carried by the following vote:

Aye: 5 - Steve Johnson, Dean D. Lemke, Elizabeth Moltzan, Mike M. Payne and Cassandra Rodriguez

B. ID#23-5900

Attachments: Invited other applications OL 1-23-2023

A motion was made by Ald. M. Payne, seconded by Ald. Johnson, to approve Invited Other Applications - The Hilltop Pub. The motion carried by the following vote:

Aye: 5 - Steve Johnson, Dean D. Lemke, Elizabeth Moltzan, Mike M. Payne and Cassandra Rodriguez

A motion was made by Ald. Johnson, seconded by Ald. D. Lemke, to approve Invited Other Applications - House of Guinness. The motion carried by the following vote:

Aye: 5 - Steve Johnson, Dean D. Lemke, Elizabeth Moltzan, Mike M. Payne and Cassandra Rodriguez

A motion was made by Ald. Rodriguez, seconded by Ald. Johnson, to approve Invited Other Applications - J Bloch 319. The motion carried by the following vote:

Aye: 5 - Steve Johnson, Dean D. Lemke, Elizabeth Moltzan, Mike M. Payne and Cassandra Rodriguez

A motion was made by Ald. Johnson, seconded by Ald. D. Lemke, to approve Invited Other Applications - Donnie Boy's Rooming House. The motion carried by the following vote:

Aye: 5 - Steve Johnson, Dean D. Lemke, Elizabeth Moltzan, Mike M. Payne and Cassandra Rodriguez

C. ID#23-5899

Attachments: Other License applications for OL 1-23-2023

A motion was made by Ald. Johnson, seconded by Ald. M. Payne, to approve the Other Applications. The motion carried by the following vote:

Aye: 5 - Steve Johnson, Dean D. Lemke, Elizabeth Moltzan, Mike M. Payne and Cassandra Rodriguez

5. Discussion and Recommendation

A. ID#23-5901

Attachments: Chicken Memo 1-19-23.pdf

B. ID#23-5902

6. Communications

None

7. Adjournment

Alderman Johnson adjourned the meeting at 7:43 PM

Ald. Steve Johnson, Chairman

"A majority of the Council members may be in attendance"

NOTICE: Any person who has a qualifying disability under the Americans with Disabilities Act that requires that the meeting be accessible or that materials at the meeting be in an accessible format, please contact the Public Works department, 48 hours prior to the meeting at 524-3600 or by the Wisconsin Telecommunications Relay System so that arrangements may be made to accommodate the request.



WAUKESHA COUNTY CHICKEN FLYER

How to Register Your Recreational Chickens

Here are the steps to register your recreational chickens:

1. Complete the Waukesha County recreational chicken registration form at:
<https://www.waukeshacounty.gov/landandparks/planning-and-zoning/>
At the time of registration you will need to submit the following:
 - An up to date, scaled site plan or plat of survey (preferred) showing all property lines, road rights of way, the location of the residence and any appurtenances, and the proposed coop and pen.
 - A sketch of the coop and pen.
 - An explanation of how the manure will be disposed of and removed from the property, or prepare a manure management plan and submit the plan to the Department of Parks and Land Use for review and approval.
2. Register with the Wisconsin Department of Agriculture, Trade and Consumer Protection. This registration is free. Fill out the "[Livestock Premises Registration Application](#)" or go to https://datcp.wi.gov/Pages/Programs_Services/PremisesRegistration.aspx." Either complete the form online, or print it and fill it out. Once registered, you will be given a registration number.
3. Submit the following either by email (preferable) or mail-both addresses are provided below:
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 - The required County registration fee

Mail/Email to: Waukesha County Department of Parks and Land Use
Planning and Zoning Division
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pod@waukeshacounty.gov

Note: Chickens must be registered prior to their acquisition.

4. The chicken coop will require a permit from the Planning and Zoning Division prior to its construction. The permit process is described here:
<https://www.waukeshacounty.gov/landandparks/planning-and-zoning/>

RESOURCES

Review the BMPs included herein or at the link provided below.

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QUESTIONS? Contact the Planner of the Day (POD) at 262-548-7790 or at pod@waukeshacounty.gov.

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County Zoning Agency may approve a private easement to a public road if the following requirements are met:

- (A) The private easement is at least thirty-three (33) feet for one (1) Family and sixty-six (66) feet for two (2) families.
- (B) The creation of a private drive would not adversely affect existing or future development of the area.
- (C) The private drive would insure safe and continuous access for public service vehicles and those properties served by such easement.

(Section 3.20 was amended by Enrolled Ordinance 171-38, effective 9/28/16.)

3.21 Recreational chicken use

This use includes those recreational or hobby uses involving the keeping, breeding and raising of chickens as uses accessory to a principal residential use on a property and/or to supplement the household food supply. This use does not include any use defined as farm use or agricultural use in this Ordinance.

(1) Purpose and Intent.

The intent of this section is to establish standards for the keeping of chickens for recreational (hobby) use on certain property under the jurisdiction of the Waukesha County Zoning Code. These provisions are intended to prevent nuisances, undesirable odors, and other negative impacts on neighboring properties, protect human and animal health, satisfy the needs of animals for exercise space, and protect water quality and the environment.

Further, it is the purpose of this section to:

- (A) Provide for affordable, fresh, healthy, nutritious, sustainable, locally grown and raised food sources.
- (B) Provide for self-sufficiency and a connection to the environment.
- (C) Increase education and knowledge regarding healthy eating and food production.
- (D) Provide the public with an interest in animals and a chance to learn how to care for animals.
- (E) Continue to provide for and not endanger the health, safety, comfort, peace, quiet, enjoyment, and the general welfare of the public, or otherwise become a nuisance to nearby residents or occupants or a place of business, as well as provide for adequate air and sanitation, and preserve the general attractiveness and character of the community environment.
- (F) Minimize conflicting land uses, and regulate coop and pen placement and height.

(2) Lot size.

Chickens kept for the purpose and intent of this section are allowed on any lot a minimum of one (1) acre in size or larger provided all of the dimensional provisions of the Ordinance are met. All lands utilized for the keeping of chickens must be under the same ownership; leasing of adjacent lands is prohibited.

(3) Number and type of recreational chickens allowed.

Up to five (5) chickens kept for the purpose and intent of this section are allowed on any lot a minimum of one (1) acre in size or larger. No roosters are allowed.

(4) Recreational chicken keeping regulations.

- (A) All recreational chicken keeping activities on lots less than three (3) acres shall require registration with the Waukesha County Planning and Zoning Division and a fee in accordance with the Division's fee schedule.
- (B) Recreational chicken keeping shall be a noncommercial use. No commercial activities shall be permitted, including barter, and including but not necessarily limited to the sale of eggs, live or

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 - A sketch of the coop and pen.
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4. The chicken coop will require a permit from the Planning and Zoning Division prior to its construction. The permit process is described here: <https://www.waukeshacounty.gov/landandparks/planning-and-zoning/>

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dressed chickens, live chicks, feathers, etc. All products must be for the personal consumption of the owner.

- (C) Onsite slaughter of chickens is prohibited.
- (D) Dead birds shall be removed promptly either by burial, incineration, or landfill. Check with your local town regarding the regulations for the acceptable disposal methods in your area.
- (E) Feed shall be stored indoors or, alternatively, in an attached garage or detached accessory building, if possible. If not stored in a building, the feed shall be stored in a sealed metal container so as not to attract vermin, rodents, or wild birds.
- (F) Waste shall not be left to accumulate. Those practicing recreational chicken keeping under this section must comply with standard manure disposal practices such as those found in NR151 and ATCP50, and the property owner shall indicate how the manure will be disposed of and removed from the property at the time of registration, or prepare a manure management plan and submit the plan to the Department of Parks and Land Use for review and approval at the time of registration. If waste containers are used, they should be sealed yet aerated so as not to attract vermin. Check with your local town regarding regulations governing manure disposal in your area.
- (G) The use must comply with all local, County, State and Federal regulations.
- (H) Waukesha County recommends compliance with the *Best Management Practices for the keeping of recreational chickens* that are part of the registration required in Section 3.21(4)(A) above.

(5) Coop and Pen regulations.

- (A) Only one chicken coop and pen shall be allowed on any one property. Coop size and location must be approved by the Planning and Zoning Division staff at the time of the registration required in Section 3.21(4)(A) above. An up to date, scaled site plan or plat of survey (preferred) showing all property lines, the road rights of way, the location of the residence and any appurtenances, and the proposed coop and pen shall be submitted at the time of registration. A sketch of the coop and pen plan shall also be submitted at the time of registration.
- (B) Chicken coops, poultry houses or enclosures are considered accessory structures as defined in this Ordinance and must meet the locational requirements of this Ordinance including but not limited to offset, setback, and height, and the accessory building regulations of this Ordinance (Section 3.11(4)), with the exception that the coop shall not count toward the number of accessory buildings permitted on a lot, but shall be limited in size to no more than fifty (50) square feet. However, in accordance with Section 3.09(3)(A)2, any building or structure housing chickens shall be a minimum of fifty (50) from all property lines.
- (C) The coop and pen shall be located behind the rear line of the principal residence as the structure faces any road.
- (D) The coop and the pen shall be a minimum of ten (10) feet from any portion of the principal residence or its appurtenances for sanitary reasons.
- (E) The pen shall meet the offset and setback requirements of the chicken coop.
- (F) The coop shall have a roof, sides, and a floor, be kept dry and well ventilated, with fans if necessary, in the warmer months, and well insulated, and with heat if necessary, in the winter months.
- (G) All outdoor areas used by the chickens (pen) shall be fenced to a minimum of 42 inches in height and the top and sides of the pen shall be covered with fencing to prevent intrusion or escape.
- (H) No free ranging of chickens is allowed and chickens must be kept within a coop or pen (run and any fencing) at all times.
- (I) The chicken coop, pen and all fencing shall be removed no later than six (6) months after the keeping of chickens is no longer a use on the property. The owner shall notify the Planning and Zoning Division at the time of termination of the use so an inspection of the site can be conducted to determine compliance.

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(6) State and Federal Standards.

The use allowed in this Section may also be subject to State and Federal laws, codes, licenses, requirements, and rules, most of which are not administered by Waukesha County. It is the responsibility of the property owner to adhere to such laws and rules as applicable which, at the time of adoption of this chapter, included, but were not necessarily limited to, the following:

- (A) Agricultural performance standards in ATCP 50, NR 115, 151, and 243 Wis. Adm. Code, as applicable.
- (B) All State manure and nutrient management statutes and rules, including §281.16(3), Wis. Stats.
- (C) Ch. 951, Wis. Stats., involving crimes against animals.
- (D) Ch. 93, Wis. Stats., enabling legislation for the Department of Agriculture Trade and Consumer Protection (ATCP) and also includes animal regulations, including the registration of chickens.
- (E) Ch. 95, Wis. Stat., regarding animal health as applicable.
- (F) Ch. 97, Wis. Stats., involving food regulations. Several ATCP rules also cover various aspects of food processing.
- (G) The U.S. Natural Resources Conservation Service (NRCS) Nutrient Management standards.
- (H) Compliance with all applicable USDA and FDA regulations.

(7) Use shall not become hazardous, harmful, noxious, offensive or a nuisance.

In accordance with Section 3.07(4) of this Ordinance, the uses permitted in Section 3.21 of this Ordinance shall not become hazardous, harmful, noxious, offensive, a nuisance, or have a substantial adverse effect. Section 3.07(4) may be used to make such a determination and correct, improve, or abate the same using the Best Management Practices identified in the registration packet, or any other measures as mutually determined and directed by the Town Plan Commission and the Zoning Administrator.

(8) Inspection.

Waukesha County reserves the right to inspect any property that has registered chickens to ensure compliance with this Ordinance. Waukesha County also reserves the right to inspect properties that are the subject of violation complaints related to this Section.

(9) Violation and penalties.

- (A) Conduct not in compliance with this section is prohibited.
- (B) Violations of this section may result in the requirement to register non-compliant chickens, revocation of an existing registration, and/or requiring the use to cease on the property.
- (C) A use not in compliance with this section shall be subject to the penalties outlined in Section 22 of the Ordinance, and possible revocation of the use. If the use is revoked, all chickens and items related to the use shall be removed from the property within thirty (30) days of the violation determination.

SECTION 4 DISTRICTS

4.01 Establishment of districts.

For the purpose of this Ordinance the county is hereby divided into zoning districts which shall be designated as follows:

- C-1 Conservancy Overlay District.
- FLC Farmland Conservancy District.



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