

# Memo

To: Village Board

Fr: Becky Nyberg, Neighborhood Compliance Inspector  
Trevor Fuller, Director of Planning and Community Development

Re: ACTION RE: ORDINANCE 2023-05, AMENDMENT OF SECTION 151-11 KEEPING ANIMALS;  
HEN LICENSE; LIMIT ON NUMBER OF ANIMALS, OF THE VILLAGE ORDINANCES (T. Fuller)

Date: 15 June 2023

Attached is a proposed amendment to Chapter 151: Animals of our Village Ordinances.

The proposed changes related to the number of hens allowed came at the request of a resident. Our Humane Officer was consulted and did not see an issue with the proposed increase in hens.

The proposed changes related to dogs and cats are in attempt to clarify our ordinance and be more consistent with neighboring communities.

The amendment has not been reviewed by Village Counsel. **The Village Board is asked to review and provide comment to the proposed amendment.** Once comment is received, staff will forward to Counsel for review and will bring back in ordinance form at a later date. New rules would go into effect January 1, 2024 so that the changes can be incorporated into the All About Allouez Guidebook.

§ 151-11 **Keeping animals; hen license; limit on number of animals.**

- A. The keeping and/or raising of farm animals, including but not limited to goats, pigs, cows, roosters, ponies, or horses, is hereby declared to be a public nuisance and is prohibited within any area zoned residential by the zoning regulations of the Village unless upon property constituting a farm of at least 10 contiguous acres. Hens may be kept with a license.
- B. The keeping and/or raising of any animal, fowl, reptile, mammal, or bird which affects or disturbs the public health, public peace, public safety, or public decency is a public nuisance and is prohibited within the Village. No action shall be taken under this subsection unless and until the Village of Allouez Animal Control/Humane Officer has advised the Village Board that, after due investigation, he has ascertained that the raising and/or keeping of a particular animal, fowl, reptile, mammal, or bird within the Village of Allouez reasonably constitutes a condition which is detrimental to public health, safety, or welfare. For purposes of enforcing this subsection, the Village of Allouez Animal Control/Humane Officer may enter any premises for the purpose of inspection. Any person who violates any provision of this subsection shall be notified by the Village Board of the determination that a public nuisance exists on his premises. For purposes of the penalty for violation of this subsection, each day that such public nuisance continues after notification by the Board shall constitute a separate violation of this subsection.
- C. Rehabilitators who are part of the Rehabilitation Program at the Green Bay Wildlife Sanctuary, who are trained and have the appropriate state or federal licenses, and who meet the standards set by the National Wildlife Rehabilitator Association are allowed to keep and rehabilitate the following injured birds, mammals, reptiles and amphibians for a period of no longer than 90 calendar days, at which time they are released back into the wild:
- (1) Mammals, small to medium size. The largest would be a raccoon.
  - (2) Birds: songbirds, game birds, and waterfowl. Birds of prey are excluded.
  - (3) Reptiles and amphibians native to northeastern Wisconsin.
- D. Rabbits and falcons shall be allowed on residentially zoned properties with a limit of two per parcel and shall be kept in a sanitary manner so as not to create a public nuisance.
- E. No person shall own, harbor or keep in his or her possession more than six hens per any lot unless the petitioner provide signed letters (including name, address and phone) from all adjacent property owners indicating that there have not been any problems with animals at the requesting residence (i.e., excessive noise, animals running loose, unsanitary conditions) and that they approve of the additional number of animals being requested. The requested number of hens shall not exceed 12 hens per lot. Permission shall be obtained annually and submitted on the approved form with the hen license. [Amended 11-15-2011; 10-15-2013; 5-17-2016 by Ord. No. 2016-06; 2-7-2017 by Ord. No. 2017-02; 11-5-2019 by Ord. No. 2019-07; 3-15-2022 by Ord. No. 2022-05]
- (1) The keeping of poultry hens shall be permitted subject to the following conditions. No person shall keep any rooster or other fowl.
    - (a) No person may slaughter any hen.
    - (b) Hens shall be provided with a covered enclosure and kept in a covered or fenced enclosure all the time.
    - (c) No permanent enclosure may be closer than 25 feet to any residential structure on adjacent lots or closer than 10 feet to any lot line unless the petitioner provide signed letters (including name, address and phone) from all adjacent property owners affected by the smaller setback. Permission shall be obtained annually and submitted on the approved form with the hen license.

- (d) License required. The owner of any hen (female Gallus gallus domesticus) more than eight weeks of age shall annually, and on or before the date the hen becomes eight weeks of age, obtain a license. The word "owner" shall include every person who owns, harbors, or keeps a hen.
- (e) Fee. Refer to Chapter **225**, Fees and Charges. The license year commences on January 1 and ends on December 31.
- (f) Late fee. The Village Clerk-Treasurer shall assess and collect a late fee as outlined in Chapter **225** from every owner of a hen(s) eight weeks of age or over if the owner failed to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable hen(s), or on or before the day the hen(s) attained the age of eight weeks.
- (g) Issuance of licenses. Only one license may be issued to each parcel number. ~~Upon payment of the required hen license fee, prior to issuance of a permit, the~~The applicant shall submit to an annual inspection by ~~either the Animal Control Officer or the Code Enforcement Officer~~designee. ~~The~~Then the Village Clerk-Treasurer shall complete and issue to the owner a license stating the owner's name and address, parcel number, date of issuance, and date of license expiration. The Village Clerk-Treasurer shall keep a duplicate copy of the license on file. Evidence of a Premise Registration through the Wisconsin Department of Agriculture, Trade, and Consumer Protection is required to be submitted prior to issuance of a license.
- (2) Construction of animal shelters. All coops, yards, pens or other structures wherein any hen is kept shall be constructed so as to be easily cleaned and kept in good repair. The inside and outside of such structures shall be whitewashed or painted as often as necessary to keep them clean or finished with such material as can be easily cleaned. All such structures shall be kept clean and sanitary and shall not cause any objectionable odor. All structures will be secured from predators.
- (3) No person possessing a hen shall permit more than 24 hours of accumulation of such animal's manure to remain on property under the possessor's control.
- (4) Hens are to be confined as provided in this chapter. License can be pulled immediately for any violations.
- (5) Right of entry.
- (a) The Animal Control Officer, ~~Code Enforcement Officer, or his or her~~designee, may enter upon any property required to hold a permit in this section at all reasonable times to inspect the premises, obtain photographs or take any other action deemed necessary to properly enforce the provisions of this section.
- [1] The Animal Control Officer, ~~Code Enforcement Officer or his or her~~designee will complete an annual-yearly inspection of each current license.
- (b) If the Animal Control Officer, or Code Enforcement Officer, or his or herdesignee, finds any coop kept in violation of any requirements enumerated herein, in addition to any other remedy available under this Code, he/she may order the violation corrected within 14 days. Notice of violation shall be mailed to both the permit holder and the property owner on which the coop is located. If the permit holder fails to correct the violation within 14 days, the coop in violation may be destroyed and/or removed from the municipality by the Village, and the cost thereof shall be charged back to the property owner as a special charge pursuant to Wis. Stats. § 66-0627.
- (c) Permit revocation. A permit shall be subject to revocation upon failure to comply with any provisions of this section, or if the Village determines that continued maintenance of the coop constitutes a reasonable threat to the general health or safety of others. Once a permit is revoked, a permit shall not be reissued.

F. No person shall own, harbor or keep in his possession more than two cats and two dogs on any lot zoned as residential, unless otherwise below.

~~(1) with the exception that a~~ litter of pups or kittens, or a portion of a litter, may be kept for a period of time not exceeding eight weeks from birth. ~~If more than one family resides on any particular lot, the person exceeding the limitation imposed by this subsection is in violation thereof. In no event shall any person have more than four animals at a residence, except upon issuance of a waiver as hereafter provided and not including poultry hens. [Amended 7-5-2016 by Ord. No. 2016-13; 2-7-2017 by Ord. No. 2017-02; 3-15-2022 by Ord. No. 2022-05]~~

~~(2) When more than one dwelling unit is legally located on a lot, the maximum number of dogs that may be kept shall apply separately to each occupied dwelling unit. For purposes of this section, "dwelling unit" means any building or a portion of a building designed exclusively for residential occupancy with individual sleeping, toilet and cooking facilities.~~

~~(+)(3)~~—The above requirement for the number of animals may be waived with the approval of the Village Administrator. The total number of preexisting animals shall be a factor in considering whether to grant or deny the requested waiver. Such application for waiver shall first be made to the Village Clerk-Treasurer and shall be referred to the Animal Control/~~Humane~~ Officer, or designee, for an investigation and recommendation to the Village Administrator. The petitioner must provide signed letters (including name, address and phone) from all adjacent property owners indicating that there have not been any problems with animals at the requesting residence (i.e., excessive barking, animals running loose, unsanitary conditions) and that they approve of the additional number of animals being requested. The decision of the Village Administrator may be appealed to the Village Board.

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