

GENERAL ORDINANCE NO. 7-11

AN ORDINANCE
AMENDING SECTION 8.095, CREATING SECTION 6.335,
AMENDING SECTION 8.06, AND CREATING SECTION 8.04(7m),
GREEN BAY MUNICIPAL CODE,
RELATING TO KEEPING BIRDS AND CHICKENS IN RESIDENTIAL AREAS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 8.095, Green Bay Municipal Code, is hereby amended as follows:

8.095. BIRDS, KEEPING IN RESIDENTIAL AREAS.

(1) PURPOSE. The keeping of a large number of birds in a residential district for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created. The keeping of a large number of birds is, therefore, declared to be a public nuisance.

(2) DEFINITIONS.

(a) Pet bird ~~Bird~~ means any finch, dove, parrot, canary, parakeet, conure, cockatiel, or cockatoo. ~~animal in the Class Aves, regardless of age or sex, Sections 8.04 and 8.05, Green Bay Municipal Code, notwithstanding.~~

(b) Residential Lot means a parcel of land zoned as residential, occupied or to be occupied by a dwelling, platted or unplatted, and under common ownership. For the purpose of this section, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one lot.

~~(3) NUMBER OF BIRDS LIMITED. Sections 8.04 and 8.05, Green Bay Municipal Code, notwithstanding, no person shall own, harbor, or possess more than four birds greater than 8 inches in height or eight birds less than 8 inches in height on any lot zoned as residential without the prior approval of the City Humane Officer, with right to appeal to the Protection & Welfare Committee; except that a clutch of chicks, or a portion of a clutch, may be kept for not more than eight weeks from birth. An application for prior approval of the Humane Officer or Council shall be signed by the applicant and the owner of the residentially zoned lot, if the landowner is not the applicant. If more than one family resides on a residential lot, then only four birds shall be allowed on the residential lot unless prior approval is obtained from the Council. For the purpose of this section, the term "family" shall be defined as one or more persons.~~

(3) LIMITED NUMBER OF PET BIRDS ALLOWED. Notwithstanding § 8.04(3), a family may own, harbor, or possess up eight pet birds on any lot zoned as residential without obtaining a permit from the City Humane Officer. No family shall own, harbor, or keep more than eight pet birds on any residentially-zoned lot without first obtaining a permit from the City Humane Officer, with right to appeal to the Protection & Welfare Committee. Chapter 68, Wis. Stats., shall not apply to any such appeal. If more than one family resides on a residential lot, then only eight pet birds shall be allowed on the residential lot unless prior approval is obtained

from the Council. For the purpose of this section, the term “family” shall be defined as one or more persons living in the same residential unit.

(4) MANNER OF KEEPING. To the fullest extent applicable, the provisions of section 8.06(1), Green Bay Municipal Code, shall govern the keeping of pet birds, ~~Sections 8.04 and 8.05, Green Bay Municipal Code, notwithstanding.~~

SECTION 2. Section 6.335, Green Bay Municipal Code, is hereby created to read:

6.335 LICENSE TO KEEP HENS.

(1) LICENSE REQUIRED. The owner of any hen (female *Gallus gallus domesticus*) more than eight weeks of age shall annually, or on or before the date the hen becomes eight weeks of age, pay the hen license fee and obtain a license. The word "owner" shall include every person who owns, harbors, or keeps a hen.

(2) FEE. The license fee shall be \$5 for a single license to keep up to four hens. The license year commences on January 1 and ends on December 31.

(3) LATE FEES. The City Clerk shall assess and collect a late fee of \$5 from every owner of a hen eight weeks of age or older if the owner fails to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable hen, or if the owner fails to obtain a license on or before a hen reaches the licensable age.

(4) ISSUANCE OF LICENSES. Only one license may be issued to each parcel number. Upon payment of the required hen license fee, the City Clerk 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 City Clerk shall keep a duplicate copy of the license on file.

(5) PENALTIES. Any person who shall violate any of the provisions of this section shall be subject to a forfeiture of not less than \$25 nor more than \$100 for the first offense and not less than \$50 nor more than \$200 for subsequent offenses.

SECTION 3. Section 8.06, Green Bay Municipal Code, is hereby amended as follows:

8.06 ANIMALS TO BE CONFINED.

(1) AT LARGE ANIMALS PROHIBITED. No person, owner, or custodian shall permit any animal (including fowl) to be at large within the City. Any animal shall be deemed to be at large when it is off the premises owned or leased by its owner or custodian unless crated, penned, or under the control of a person able to control the animal by means of a leash of sufficient strength to control the action of the animal, or such other personal attention as will reasonably control the conduct and actions of the animal.

(2) PROXIMITY TO RIGHT-OF-WAY. No person, owner, or custodian shall permit any animal (including fowl) to be left unattended within 5' of a public right-of-way.

(a) Such public rights-of-way include, but are not limited to, sidewalks, streets, alleys, and parking lots.

(b) Unattended animals shall include those animals which are crated, penned, or leashed but which are without personal supervision or control sufficient to properly restrain the animal

(3) CONFINEMENT OF HENS. In addition to any other provisions in this chapter, hens shall be kept in the following manner:

(a) No person may keep a hen over eight weeks of age in a principal structure.

(b) Hens shall be kept within a structure such as a coop or fenced area used exclusively to keep hens.

(c) No accessory structure used to keep hens shall be located within 25 feet of any principal structure which is not owned by the person licensed to possess said hens.

(d) No accessory structure used to keep hens shall be located in a front or side yard.

SECTION 4. Section 8.04(7m), Green Bay Municipal Code, is hereby created to read:

(7m) HARVESTING ANIMALS. No person may slaughter any animal unless specifically allowed to slaughter animals as part of an agricultural activity pursuant to Ch. 13.

SECTION 5. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 6. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this 17th day of May, 2011.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Lauri A. Marenger
Clerk

First Reading - 5/3/11
Effective Date - 5/21/11