

- (b) **Presumption.** There shall be a rebuttable presumption that either of the following acts are for the purpose of feeding whitetail deer:
- (1) The placement of salts, minerals, grain, fruit, vegetable material, sunflower seeds, or deer suckers in an aggregate quantity of greater than one-half (1/2) gallon at the height of less than six (6) feet off the ground.
 - (2) The placement of salt, minerals, grain, fruit, vegetable material, sunflower seeds, or deer suckers in an aggregate quantity of greater than one-half (1/2) gallon in a drop feeder, automatic feeder, or similar device regardless of the height of the salt, minerals, grain, fruit, vegetable material, sunflower seeds, or deer suckers.
- (c) **Exceptions.** This Section shall not apply to the following situations:
- (1) The placement of bait for the purpose of hunting whitetail deer subject to all other laws, ordinances, rules and regulations governing hunting and the discharge of hunting weapons.
 - (2) Naturally growing grain, fruit or vegetable material, including gardens and residue from lawns, gardens and other vegetable materials maintained as a mulch or compost pile.
 - (3) Unmodified commercially purchased bird feeders or their equivalent.
 - (4) Deer feeding may be authorized on a temporary basis by the Common Council for specific public purposes determined by the Common Council.
- (d) **Violations.** Any person who violates any provision of this Section and is found guilty shall be subject to a penalty as outlined in the provisions of Section 1-1-7(a) through (c) of the Washburn Code of Ordinances.

Sec. 7-1-26 Keeping of Chickens.

- (a) **Where Permitted.** Chickens, excluding roosters, may be raised in any Residential District as defined in the City Zoning Code, as well as those portions of the C-1 Cottage Commercial Districts located to the West of the intersection of Bayfield Street and 11th Avenue West, and to the East of the intersection of Bayfield Street and East Superior Avenue. All raising of chickens must be in accordance with the regulations prescribed in this Section.
- (b) **Number.** No more than six (6) mature female chickens may be kept at any one time at any permitted premises.
- (c) **Permit.** No chickens may be kept except pursuant to a permit obtained from the Zoning Administrator pursuant to this Section. A permit will be issued upon the applicant's meeting of the following conditions:
- (1) **Consent From Adult Residents.** The applicant must furnish the written consent from all adult residents of the parcel for which the permit is sought.

- (2) **Neighbor Notification; Objection.** The applicant must furnish the name and mailing address of the owner of each parcel of real property that abuts the parcel for which the permit is sought and that contains a principal building, as that term is defined in Section 13-3-1(b)(38), any part of which is within one hundred (100) feet of the applicant's parcel. The City shall mail the notice to the owner of any abutting property meeting this criteria. The applicant and the City may presume that the owner and mailing address to which property tax bills for the parcel are sent is the correct owner and mailing address, unless the property owner has provided an alternative name and/or address to the City. The owner of any abutting property meeting the criteria stated above and who objects to the issuance of a permit must file a written and signed objection, stating the reasons for the objection, with the City Clerk no later than fifteen (15) days from the mailing date of the notice. Whenever an objection is filed, the Common Council shall decide whether or not a permit may be issued. The City Clerk shall send a copy of the objection to the applicant. The applicant and the objecting party shall be given no less than ten (10) days' notice of the Common Council meeting at which the Common Council shall determine whether or not a permit may be issued. The Common Council shall not deny the issuance of a permit on the basis of the objection unless there are circumstances particular to the parcel, the applicant, or the objector that indicate that the public health, safety, or welfare requires the denial of the permit. If the Common Council determines that a permit may be issued despite the objection, the applicant shall still meet all other conditions for the issuance of a permit, which shall be determined by the Zoning Administrator pursuant to Section 7-1-26(c)(6).
- (3) **Site Plan.** The applicant must furnish a site plan showing the location and dimensions of the proposed chicken coop and run, and the distance of the coop and run from all lot lines and buildings located on the adjacent lots.
- (4) **Fee.** The applicant shall make payment of the permit fee prescribed in Sec. 1-3-1.
- (5) **Inspection Consent.** Application for a permit under this Section constitutes consent by the applicant to the City of Washburn and any of its employees or agents to enter upon the applicant's property to ascertain compliance with this Section and with the terms of the permit, for as long as the permit is in effect.
- (6) **Permit Issuance.** Permits will be issued by the Zoning Administrator upon the Zoning Administrator's finding that all conditions for the permit have been met. Written notice of the grant or denial shall be provided to the applicant and to any person who has filed an objection to the granting of the permit. Any person aggrieved by the grant or denial of a permit may have such grant or denial reviewed by the Common Council by filing a written request for review with the City Clerk-Treasurer no later than ten (10) days after the mailing date of the notice of grant or denial.
- (d) **Permit Revocation.** A permit issued under this Section may be revoked by the Zoning Administrator upon a finding that the permittee has committed a serious violation of this

Section, or upon a finding that the permittee has committed multiple or repeated violations of this Section. A revocation may be initiated by the Zoning Administrator or by any citizen filing a written and signed complaint. The Zoning Administrator shall provide written notice to the permittee upon the revocation of a permit, and shall include in the notice a listing of the reason for the revocation and a notice of the permittee's appeal rights as provided in this Subsection. The Zoning Administrator shall provide a copy of the notice to any person who has filed a written and signed complaint regarding the permittee, and shall also provide to any such person notice of a non-revocation on the basis of such complaint. Any person aggrieved by the revocation or non-revocation of a permit may have such action reviewed by the Common Council, by filing a written request for review with the City Clerk-Treasurer no later than ten (10) days after the mailing date of the notice of action.

- (e) **Chicken Coop Standards.** Chickens shall be provided with a building structure that meets the criteria set forth below:
- (1) **Location.** The coop must be no closer than ten (10) feet to a lot line, and no closer than twenty (20) feet to any house or other occupied structure other than that of the owner, and may not be located in the front yard, as that term is defined in the City of Washburn Zoning Code Section 13-3-1(b)(334).
 - (2) **Space Per Chicken.** Each mature chicken shall have a minimum of three (3) square feet of floor space.
 - (3) **Nesting Boxes.** There shall be at least one (1) nesting box per mature chicken.
 - (4) **Elevated Perches.** The coop shall include elevated perches.
 - (5) **Soundness of Construction.** The coop must be structurally sound, moisture-proof, and kept in good repair.
 - (6) **Ventilation.** The coop shall have vents to provide for proper ventilation.
 - (7) **Windows.** The coop must have at least one (1) window.
 - (8) **Sanitary Standards; Manure.** The coop shall be cleaned daily and the waste must be properly disposed of.
 - (9) **Chicken Run Access.** The coop must provide access to the chicken run.
 - (10) **Temperature.** The coop must be maintained at an internal temperature of not less than 15° F.
- (f) **Chicken Runs.** Chickens shall be provided with an outdoor fenced structure that meets the criteria set forth below:
- (1) **Location.** The run must be no closer than ten (10) feet to a lot line, and no closer than twenty (20) feet to any house or other occupied structure other than that of the owner, and may not be located in the front yard, as that term is defined in the City of Washburn Zoning Code Section 13-3-1(b)(334).
 - (2) **Space Per Chicken.** Each mature chicken shall have a minimum of six (6) square feet of floor space.
 - (3) **Minimum Dimensions.** The chicken run must have minimum dimensions of two (2) feet wide by three (3) feet long by three (3) feet tall (2' x 3' x 3').

- (4) **Fencing; Mesh Side.** The chicken run must be enclosed with fencing of a mesh size of not more than one (1") inch square.
- (5) **Chicken Run Roof Fencing.** The run must be covered with fencing with a mesh size of not more than one (1") inch square.
- (6) **Fencing Burial.** If the chicken run is not mobile, fencing must be buried at least one (1) foot underground around the entire periphery of the run.
- (g) **Food and Water.**
 - (1) **Water.** Adequate water shall be provided at least once a day.
 - (2) **Food.** Adequate food must be provided at least once a day.
- (h) **Sale of Eggs.** A permittee or family member of a permittee may sell eggs laid by the chickens permitted under this Section from the residence where the permit is located, provided the permittee complies with all other applicable law. The *de minimis* sale of eggs is not considered a commercial use or a customary home occupation.
- (i) **Free-Range Chickens Prohibited.** All chickens shall be enclosed at all times in a chicken coop or chicken run that complies with Subsections (e) and (f) above. No chickens are allowed outside of a permitted enclosure at any time.
- (j) **Penalties.**
 - (1) A forfeiture shall be assessed for any violation of this Section in an amount no less than Twenty-Five Dollars (\$25.00) and no more than Two Hundred Dollars (\$200.00), unless the individual cited shall have been previously found to have violated any part of this Section, in which case the forfeiture shall be no less than Fifty Dollars (\$50.00) and no more than Four Hundred Dollars (\$400.00). Each day that a violation of this Section continues shall be deemed a separate violation.
 - (2) Any violation of Subsection (c); (e)(2), (3), (4), (5), (6), (7), (8), (9) or (10); (f)(2) or (3); (g)(1) or (2); or (i) shall be deemed a separate violation for each chicken kept in violation of the Subsection.

Sec. 7-1-27 Penalties.

- (a) Any person violating Sections 7-1-15, 7-1-16, 7-1-17, 7-1-18, 7-1-19, 7-1-20, 7-1-21, 7-1-22, 7-1-23 or 7-1-24 shall be subject to a forfeiture of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00). This Section shall also permit the City Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this Chapter.
- (b) (1) Anyone who violates Sections 7-1-1, 7-1-2, 7-1-3, 7-1-4 and 7-1-5 of this Code of Ordinances or Chapter 174, Wis. Stats., shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than Two Hundred Dollars (\$200.00) for the first offense and not less than One Hundred Dollars (\$100.00) and not more than Four Hundred Dollars (\$400.00) for any subsequent offenses.

- (2) An owner who refuses to comply with an order issued under Section 7-1-5 to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or imprisoned not more than sixty (60) days or both.
- (c) Any person who violates Section 7-1-7 through 7-1-14 of this Code of Ordinances shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00) for the first violation and not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00) for subsequent violations.