



City of Colby  
Meeting Notice  
211 W Spence Street, Colby WI

City Planning Committee

Monday, May 4, 2026

Approximately 6:30 PM or immediately following the Parks/Rec Meeting  
Council Chambers - Colby City Hall

Agenda:

1. Call to Order
2. Roll Call
3. Boy Scout Agreement Amendment to add Pack 383
4. Three Cs Building Inspector Proposal
5. Room Divider for the Community Room and Council Chambers
6. Ordinance to Amend Chapter 178 Animals to Regulate Chickens and Roosters
7. Adjourn

\*City Council members may attend the above committee meeting for information gathering purposes. If a quorum of Council members should appear at this Committee meeting, a regular Council meeting may take place for the purposes of gathering information on an item listed on this Committee agenda. If such a meeting should occur, the date, time and location of the Council meeting will be that of this Committee as listed on the Committee agenda.

Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities. Please contact the City Clerk's Office at (715) 223-4435 or e-mail: [clerk@cityofcolby.org](mailto:clerk@cityofcolby.org).

**MAINTENANCE AGREEMENT  
FOR STORAGE SHED AT  
SOUTH FOURTH STREET/DISPOSAL ROAD**

The City of Colby and the Colby Boy Scouts Troop 383, by their duly authorized representatives, hereby enter into a maintenance agreement as to the storage shed located at South Fourth Street and Disposal Road in the City of Colby as follows:

1. Both parties acknowledge that the above described shed was donated to the Colby Boy Scouts for their exclusive use by the Colby V.F.W.;
2. Both parties further agree that the City of Colby shall maintain insurance coverage on said building and allow said building to be located on City property, so long as the shed is not further improved in size or in increased value through additions being made thereto;
3. The Colby Boy Scouts shall in the future be responsible for all maintenance and upkeep as to said building, including all labor and material costs for said maintenance and upkeep, and the Colby Boy Scouts shall have the full responsibility to insure the contents of said shed through their own insurance policy in such amounts as the Colby Boy Scouts deem appropriate;
4. The City of Colby shall inspect the outside of said building on an annual basis and if the City determines that repairs are needed to keep the shed in a well maintained fashion, as determined by the City in its total discretion, then the City shall notify the Colby Boy Scouts in writing of what is required to maintain and/or repair the building and the repairs as required by the City shall be undertaken and completed by the Colby Boys Scouts within 90 days of said notice, at the Colby Boy Scouts' sole cost and expense;
5. At any time after a written notice is given to the Colby Boy Scouts that repairs or maintenance is required, and the Colby Boy Scouts elect not to make said repairs or maintenance as requested by the City of Colby within the 90-day period of time, said Colby Boy Scouts shall be allowed to tear down said shed or remove the same from the city limits as they so choose.

Dated this 9<sup>TH</sup> day of October, 2018.

City of Colby

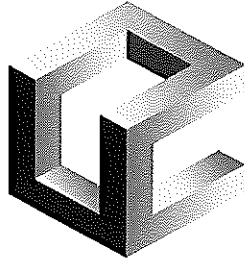
By:

James W. Schmidt  
Mayor

Colby Boy Scouts Troop 383

By:

[Signature]  
Scoutmaster



Pat Kilty - Owner  
Three C's  
113891 Cty Rd P  
Stratford WI 54484

**THREE C's**

COMMUNICATE · COLLABORATE · CONSTRUCT

## **INSPECTION PROPOSAL**

Submitted to:

City of Colby  
Colby, Wisconsin

Submitted by:

Three C's Construction Consultants, LLC

### **1. Introduction**

Three C's Construction Consultants, LLC ("Three C's") respectfully submits this proposal to provide professional inspection services for new residential homes and nonresidential buildings within the City of Colby, Wisconsin.

The goal of this proposal is to give the City of Colby a singular, reliable and professional option for inspection services on new residential homes and non-residential building projects.

Three C's Construction Consultants, LLC is offering these services to help the city keep projects moving, respond to inspection requests in a timely manner, and maintain consistent application of Wisconsin codes and local ordinances. Our intent is to provide dependable, well-documented inspections that support the City's existing processes.

### **2. Scope of Proposed Inspection Services**

Three C's is proposing to provide both residential and nonresidential inspections as well as any requested inspections by the City of Colby, in the following categories:

#### **A. Residential Inspections and Plan Review**

Applicable to:

- New one- and two-family dwellings

Three C's Construction Consultants

- Additions to dwellings

Inspection services and plan reviews shall include:

- All inspections as required by SPS 320.10
- Requested inspections by municipality
- Plan review of proposed new dwelling or addition

#### B. Nonresidential Inspections and Plan Review

Applicable to all new constructions, additions, and alterations to:

- All Nonresidential Buildings

Inspection services and Delegated plan review shall include:

- All inspections as required by SPS 361.60(2)(d)
- Fire Suppression and Fire Alarm installations
- Electrical installations
- Plumbing installations
- Hvac installations
- Accessibility compliance
- Requested inspections by municipality
- Review of new buildings, additions, and alterations per Delegation requirements

#### **4. Code and Ordinance Compliance**

All inspections performed by Three C's for the City of Colby shall be conducted in accordance with:

- Wisconsin Uniform Dwelling Code (UDC), as adopted
- Wisconsin Commercial Building Code
- Wisconsin Plumbing Code
- Wisconsin Electrical Code
- Municipalities ordinances and locally adopted amendments

Inspections for all new construction and alterations will be based on the current code versions adopted and enforced by the Department of Safety and Professional Services

## **5. Inspection Coordination and Reporting**

### Scheduling

Inspections will be scheduled through Three C's permit software or directly with the designated inspector as agreed upon.

### On-Site Inspections

Inspections will be performed by inspectors that are credentialed as required per SPS 305 with experience in Wisconsin construction practices and code compliance.

### Reporting

Inspection results will be documented within Three C's permit software and provided to the City upon request. All permits will contain inspections identifying:

- Inspection type and location
- Compliance status
- Observed deficiencies, if applicable

### Coordination

Three C's will coordinate directly with City officials to ensure all municipal requirements are resolved prior to approving and issuance of any permit or project.

## **6. Qualifications**

Three C's Construction Consultants, LLC provides professional inspection services by experienced inspectors with diverse backgrounds who are credentialed as required with an emphasis on:

- Consistent and defensible code interpretation
- Clear communication with municipal staff, homeowners, and contractors
- Practical understanding and firsthand experience of residential and commercial construction installations
- Customer service
- Life, Safety and Health

## **7. Insurance**

Three C's maintains appropriate business insurance coverage, including general liability insurance, suitable for providing municipal inspection services. Certificates of insurance will be provided upon request.

## **8. Fee Structure**

Inspection services for the City of Colby shall be provided under one or more of the following arrangements:

- Per-inspection fee as outlined in fee schedule
- Ten percent of each per permit fee shall be reimbursed to the municipality if Three C's is responsible for both nonresidential and residential inspections
- Five percent of each permit fee shall be reimbursed to the municipality if Three C's is only responsible for nonresidential inspections

Specific fees and terms will be negotiated and documented in a written agreement approved by the City.

## **9. Term of Services**

Services may be provided with an annual agreement, subject to City approval and contract terms.

## **10. Acceptance and Agreement**

This proposal is intended to describe available services. Final scope, authorization, and compensation shall be governed by a written agreement approved by the City of Colby.

Respectfully submitted,

Pat Kilty

Three C's Construction Consultants, LLC

**Pat Kilty**  
 Master Electrician  
 Designer of Engineering System  
 Commercial Bldg. & Electrical Inspector  
 UDC - Construction, Elec, Plbg, Hvac



**THREE C'S**  
 COMMUNICATE COLLABORATE CONSTRUCT

**Brian Dillinger**  
 Master Plumber  
 Commercial Plug. Inspector  
 UDC - Construction, Plbg, Hvac

**RESIDENTIAL & NONRESIDENTIAL INSPECTION PROPOSAL**

Three C's Construction Consultants is proposing to perform all Residential and Nonresidential inspections for your Municipality as identified in the proposal breakdown.

**Proposal Breakdown**

- 1 Assist Municipality with the Delegation process with the Department of Safety & Professional Services. Will provide Municipality if needed with model ordinances for being Delegated for New One & Two Family, Dwellings, Nonresidential Buildings, Electrical and Plumbing.
- 2 Create all required permits and provide Municipality with a permit link for their website to expedite the the permit process. Will provide any information for website to assist homeowners and contractors with code compliant installations.
- 3 Conduct all applicable residential inspections and reviews as required per SPS 320.10 for all New One & Two Family Dwellings.
- 4 Residential inspections of detached garages, accessory structures, decks, additions, interior remodels, razes electrical and plumbing installations shall be conducted per the Municipalities request. An inspection report shall be submitted to the Municipality of any violations identified within an inspection report.
- 5 Once Delegated conduct all applicable nonresidential building inspections for all new buildings, additions and alterations as required per SPS 361.60(2)(d) as well as plan reviews as stated in SPS 361.60(5)(c).
- 5 Once Delegated conduct all applicable nonresidential electrical inspections per SPS 316.013 for all new buildings, additions, alterations and any miscellaneous electrical inspections as requested by the Municipality. Miscellaneous Examples = Generator installs, Solar installs, Fire Alarm, Service Upgrades
- 6 Once Delegated conduct all applicable nonresidential plumbing inspections, testing and plan reviews per SPS 382.21 for all new plumbing installations.
- 7 Any Special Inspection/Consultation of any system not listed above shall be done at the request of the Municipality. An inspection report shall be provided stating any violations or concerns.
- 8 Municipality shall receive an end of the year report of all permits issued and a 10% reimbursement of all permit fees collected. Does not include special inspections for nonresidential installations or residential inspections not associated with a New One and Two Family Dwelling.

**Residential Fees**

New One & Two Family Dwelling:	4000 sq. Ft or less = \$800.00 (Includes Electric, Hvac & Plbg)
	4001 sq. ft or more = \$800.00 plus .25/sq. Ft above 4000sq.ft
State Seal:	\$40.00
Requested Inspection/Consultation:	\$75.00 per Inspection/Consultation.

**Nonresidential Fees**

New Building or Additions	\$250 plus .10/sq. Ft.
Interior Building Alterations	\$100 plus .15/sq. Ft.
Plumbing - New Construction & Alteration	\$200 plus \$5.00/\$1000 of valuation
Hvac - New Construction & Alterations	\$200 plus \$5.00/\$1000 of valuation
Electrical - New construction & Alteration	\$200 plus .08/sq. Ft.
Electrical - Miscellaneous	\$100 plus \$5.00/\$1000 of valuation
Special Inspections	\$85 per Inspection/Consultation



WISCONSIN RAPIDS  
NEW BERLIN MADISON

P.O. Box 668  
Wisconsin Rapids, WI 54495  
Tel: 715-423-7501

# Quote

Quote # : 414704  
Quote Date : Oct 17, 2024  
Expiration Date : Oct 31, 2024

Customer:  
Cash Sales  
PO Box 668  
Wisconsin Rapids, WI 54495-0668

Ship To:  
CPU - Cash Sales  
c/o QDH 431 Harrison Street  
Wisconsin Rapids, WI 54495

Account Code : CASH1  
Terms : Net30  
Customer Job # :  
Salesperson : Cody Metras  
Order Name : City of Colby, accordion door

Purchase Order # :  
Shipped Via : Our Truck North

Price includes supply and installation of new accordion room partition. Accordion partition has a FSTC rating of 33. Color TBD. Price does not include disposal of existing partition.

**Qty Product Description**

1 24'-4" x 8'-0", 3300V accordion door  
Sound door, FSTC 33, laminate (color TBD), single ended, ball bearing wheels, no floor clearance, serrated sweep strip, closet back, sliding jamb, left stack, pocket width 5-3/4", intermediate post, sliding jamb board

<u>Description</u>	<u>Price</u>
Delivery	
Installation	2,600.00
Pre-Tax Total	18,796.43
WI - Wisconsin State	130.00
WO - Wood County 71	13.00
<b>Quote Total</b>	<b>18,939.43</b>

## Chapter 178. Animals

[HISTORY: Adopted by the Common Council of the City of Colby 10-5-1995 as Title 7, Ch. 1, of the 1995 Code. Amendments noted where applicable.]

### § 178-1. Dog licenses required; definitions.

- A. License required. It shall be unlawful for any person in the City of Colby to own, harbor or keep any dog more than five months of age after July 1 of the license year without complying with the provisions of this chapter relating to the listing, licensing and tagging of the same.
- B. Definitions. As used in this chapter, the following terms shall have the meanings indicated, unless the context or subject matter otherwise requires:

**ANIMAL**

Mammals, reptiles and birds.

**AT LARGE**

To be off the premises of the owner and not under the control of some person by leash. A dog or cat within an automobile of its owner, or in an automobile of any other person with the consent of the owner of said dog or cat, shall be deemed to be upon the owner's premises.

**CAT**

Any feline, regardless of age or sex.

**CRUEL**

Causing unnecessary and excessive pain or suffering or unjustifiable injury or death.

**DOG**

Any canine, regardless of age or sex.

**FARM ANIMAL**

Any warm-blooded animal normally raised on farms in the United States and used for food or fiber.

**LAW ENFORCEMENT OFFICER**

Has that meaning as appears in § 967.02(5), Wis. Stats., and includes a humane or animal control officer under § 173.03, Wis. Stats., but does not include a conservation warden appointed under § 23.10, Wis. Stats.

**NEUTERED**

A dog or cat having nonfunctional reproductive organs.

**OWNER**

Any person owning, harboring or keeping a dog or cat and the occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of 10 days; such person is presumed to be harboring or keeping the dog or cat within the meaning of this section.

## **PET**

An animal kept and treated as a pet.

## **RESIDENTIAL LOT**

A parcel zoned as residential, occupied or to be occupied by a dwelling, platted or unplatted, and under common ownership. For the purpose of this chapter, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one lot.

## **§ 178-2. Rabies vaccination required for dogs.**

- A. Rabies vaccination. The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within 30 days after the dog reaches four months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into the City of Colby after the dog has reached four months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is brought into the City unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date that immunization expires as stated on the certificate of vaccination or, if no date is specified, within three years after the previous vaccination. The certificate of vaccination shall meet the requirements of § 95.21(2), Wis. Stats.
- B. Issuance of certificate of rabies vaccination. A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the City stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's name and serial number and the date that the immunization expires as specified for that type of vaccine by the Centers for Disease Control and Prevention of the U.S. Department of Health and Human Services.  
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- C. Copies of certificate. The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is revaccinated, whichever occurs first.
- D. Rabies vaccination tag. After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.
- E. Tag to be attached. The owner shall attach the rabies vaccination tag or a substitute tag to a collar, and a collar with the tag attached shall be kept on the dog at all times; but this requirement does not apply to a dog during competition or to a dog securely confined indoors. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this subsection do not apply to a dog which is not required to be vaccinated under Subsection A.
- F. Duplicate tag. The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.
- G. Cost. The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

## **§ 178-3. Issuance of dog licenses; kennel licenses.**

- A. Licensing of dogs.

- (1) It shall be unlawful for any person in the City of Colby to own, harbor or keep any dog more than five months of age without complying with the provisions of §§ 174.05 through 174.10, Wis. Stats., relating to the listing, licensing and tagging of the same.
- (2) The owner of any dog more than five months of age on January 1 of any year, or five months of age within the license year, shall annually, or on or before the date the dog becomes five months of age, pay a license tax and obtain a license.
- (3) License fees shall be set by the Common Council and the county in which the owner resides.  
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- (4) Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by § 178-2 of this chapter, the City Clerk-Treasurer shall complete and issue to the owner a license for such dog containing all information required by state law. The City Clerk-Treasurer shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.
- (5) The owner shall securely attach the tag to a collar, and the collar with the tag attached shall be kept on the dog for which the license is issued at all times, except as provided in § 178-2E.
- (6) The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Any City law enforcement or humane officer shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached.
- (7) Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the City Clerk-Treasurer upon application therefor.

B. Kennel licenses. The term "kennel" means any establishment wherein or whereon three or more dogs are kept.

- (1) Any person who keeps or operates a kennel may, instead of the license tax for each dog required by this chapter, apply for a kennel license for the keeping or operating of the kennel. Such person shall pay for the license year a license tax set by the Common Council and the county in which the owner resides. Upon payment of the required kennel license tax and, if required by the City, upon presentation of evidence that all dogs over five months of age are currently immunized against rabies, the City Clerk-Treasurer shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel. Kennels may only be located in commercial and/or residential areas following a public hearing and approval by the Common Council utilizing the conditional use procedures prescribed in Chapter 480, Zoning, of this Code; the Council may attach conditions to such approval as a conditional use under Chapter 480.  
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- (2) The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over five months old kept by the owner or keeper under a kennel license; but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times; but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. No dog bearing a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is on a leash or temporarily for the purposes of hunting, breeding, trial, training or competition.
- (3) No kennel license shall be issued to the keeper or operator of a kennel who fails to provide proper food and drink and proper shelter for the dogs in said kennel or who neglects or

abandons said dogs. The Chief of Police or other designated official shall investigate any complaints regarding the failure to maintain proper standards or investigate any kennel premises upon his own initiative. Expressly incorporated by reference in this section as minimum standards for kennel keepers or operator are the relevant provisions of Ch. 951, Wis. Stats.

## § 178-4. Late fees.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The City Clerk-Treasurer shall assess and collect a late fee as set by the Common Council from every owner of a dog five months 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 dog or if the owner failed to obtain a license on or before the dog reached licensable age. Said late fee shall be charged in addition to the required license fee.

## § 178-5. Rabies quarantine; disposition of animals with rabies.

- A. Dogs and cats confined. If a district is quarantined for rabies, all dog or cats within the City shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The City Clerk-Treasurer shall promptly post notices of quarantine in at least three public places in the City.
- B. Exemption of vaccinated dog or cats from City quarantine. A dog or cat which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence, is exempt from the City quarantine provisions of Subsection A if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.
- C. Quarantine or sacrifice of an animal suspected of biting a person or being infected or exposed to rabies.
  - (1) Quarantine or sacrifice of dog or cat. An animal control or law enforcement officer shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.
  - (2) Sacrifice of other animals. An officer may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies.
- D. Quarantine of dog or cat.
  - (1) Delivery to isolation facility or quarantine on premises of owner. An animal control or law enforcement officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible, but no later than 24 hours after the original order is issued, or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.
  - (2) Health risk to humans. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least 10 days after the incident occurred. In this subsection, "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one intervening day. If the observation period is not extended and if the veterinarian

certifies that the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.

- (3) Risk to animal health.
    - (a) If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 180 days. The owner shall have the animal vaccinated against rabies between 155 days and 165 days after the exposure to a rabid animal.
    - (b) If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 60 days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.
  - (4) Sacrifice of a dog or cat exhibiting symptoms of rabies. If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.
- E. Delivery of carcass; preparation; examination by Laboratory of Hygiene. An officer who kills an animal shall deliver the carcass to a veterinarian. The veterinarian or local health department shall prepare the carcass, properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery of the head of the animal by the most expeditious means feasible to the State Laboratory of Hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk of exposure to any rabies virus. The State Laboratory of Hygiene shall examine the specimen and determine if the animal was infected with rabies. The State Laboratory of Hygiene shall notify the City, the veterinarian which prepared the carcass and, if the animal is suspected to have bitten a person, that person or the person's physician.
- F. Cooperation of veterinarian. Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the City, the State Laboratory of Hygiene, the local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.
- G. Responsibility for quarantine and laboratory expenses. The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory examination. If the owner is unknown, the county is responsible for these expenses.

## § 178-6. Restrictions on keeping of dogs, cats, fowl and other animals.

- A. Restrictions. It shall be unlawful for any person within the City of Colby to own, harbor or keep any dog or cat which:
- (1) Habitually pursues any vehicle upon any public street, alley or highway in the City.
  - (2) Assaults or attacks any person as described in Subsection **B** or destroys property.
  - (3) Is at large within the limits of the City.

- (4) Habitually barks or howls to the annoyance of any person or persons. (See § 178-10.)
  - (5) Kills, wounds or worries any domestic animal.
  - (6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
  - (7) In the case of a dog or cat, is unlicensed.
- B. Vicious dogs and animals.
- (1) No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over 16 years of age. For purposes of enforcing this subsection, a dog shall be deemed as being of a vicious disposition if, within any twelve-month period, it bites two or more persons or inflicts injury requiring medical attention to one person in unprovoked circumstances off the owner's premises.
  - (2) No person shall harbor or permit to remain on his premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after motorized or nonmotorized vehicles.
- C. Animals running at large.
- (1) No person having in his possession or ownership any animal or fowl shall allow the same to run at large within the City. The owner of any animal, whether licensed or unlicensed, shall keep his animal tied or enclosed in a proper enclosure so as not to allow said animal to interfere with the passing public or neighbors. Any animal running at large shall be seized and impounded by an animal control or law enforcement officer.
  - (2) A dog or cat shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it or is trained and in the immediate company of a person to which it immediately responds and obeys (e.g., a dog playing a game of fetch in a field, or walking alongside its owner or a member of the owner's immediate family) if such person is over the age of 12 years.
- D. Owner's liability for damage caused by dogs; penalties. The provisions of § 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs or cats, together with the penalties therein set forth, are hereby adopted and incorporated herein by reference.
- E. Animals restricted on public grounds and cemeteries. No dog or cat shall be permitted in any public playground, school grounds, public park, beach or swimming area within the City unless such dog or cat is on a leash and under control. Dogs and cats are prohibited from being in cemeteries. Every dog specially trained to lead blind persons shall be exempt from this subsection.

## § 178-7. Impoundment of animals.

- A. Animal control agency.
- (1) The City of Colby may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impounded animals and for assisting in the administration of rabies vaccination programs.
  - (2) The City of Colby does hereby delegate to any such animal control agency the authority to act pursuant to the provisions of this section.
- B. Impounding of animals. In addition to any penalty hereinafter provided for a violation of this chapter, any animal control or law enforcement officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of the City, assaults or attacks any person, is at large within the City, habitually barks, cries or howls, kills, wounds or worries any

domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding office must see or hear the violation of this section or have in his possession a signed statement of a complaining witness alleging the facts regarding the violation.

- C. Claiming animal; disposal of unclaimed animals. After seizure of animals under this section by a law enforcement or animal control officer, the animal shall be impounded. The officer shall notify the owner, personally or through the U.S. Mail, if such owner be known to the officer or can be ascertained with reasonable effort. If within seven days after such notice the owner does not claim such animal, the officer may authorize sale or euthanasia of the animal in a proper and humane manner; provided, if an animal before being impounded has bitten a person, the animal shall be retained in the animal shelter for 10 days for observation purposes. Within such time, the owner may reclaim the animal upon payment of impoundment fees, plus the actual cost of boarding the animal for each day or fraction thereof the dog has been so impounded. Owners of unlicensed dogs shall also obtain a license prior to release of an impounded animal. No animal shall be released from the animal shelter without being properly licensed as required by state law or City ordinance.
- D. City not liable for impounding animals. The City and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this section.

## § 178-8. Duty of owner in case of dog or cat bite.

Every owner or person harboring or keeping a dog or cat who knows that such dog or cat has bitten any person shall immediately report such fact to the Chief of Police and shall keep such dog or cat confined for not less than 10 days or for such period of time as the animal control officer shall direct. The owner or keeper of any such dog or cat shall surrender the dog or cat to a law enforcement, health or animal control officer upon demand for examination.

## § 178-9. Injury to property by animals.

It shall be unlawful for any person owning or possessing an animal, dog or cat to permit such animal, dog or cat to go upon any parkway or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate or urinate thereon.

## § 178-10. Barking dogs or crying cats.

It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities.

## § 178-11. Prohibited and protected animals, fowl, reptiles and insects.

### A. Protected animals.

- (1) Possession and sale of protected animals. It shall be unlawful for any person, firm or corporation to possess with intent to sell or offer for sale, or buy or attempt to buy, within the City any of the following animals, alive or dead, or any part or product thereof: all wild cats of the family Felidae, polar bear (*Thalarctos maritimus*), red wolf (*Canis niger*), vicuna (*Vicugna vicugna*), or alligator, caiman or crocodile of the order of crocodylia, gray or timber wolf (*Canis*

lupus), sea otter (*Enhydra lutris*), Pacific ridley turtle (*Lepidochelys olivacea*), Atlantic green turtle (*Chelonia mydas*), Mexican ridley turtle (*Lepidochelys kempii*).

- (2) Compliance with federal regulations. It shall be unlawful for any person, firm or corporation to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 91st Congress).
  - (3) Regulating the importation of certain birds. No person, firm or corporation shall import or cause to be imported into this City any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This subsection shall not be construed to forbid or restrict the importation or use of the plumage, skin, body or any part thereof legally collected for use by the American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.
- B. Exceptions. The provisions of Subsection **A** above shall not be deemed to prevent the lawful importation, possession, purchase or sale of any species by any public agency, institute of higher learning, persons holding federal permits or by a person holding a scientific collectors permit issued by the Secretary of the Department of Natural Resources of the state, or to any person or organization licensed to present a circus.
- C. Wild animals; prohibition on keeping. Except for state-licensed game farms, it shall be unlawful for any person to keep, maintain or have in his possession or under his control within the City any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have in his possession or under his control within the City any of the following animals, reptiles or insects:
- (1) All poisonous animals and reptiles, including rear-fang snakes.
  - (2) Apes: Chimpanzees (*Pan troglodytes*); gibbons (*Hylobates*); gorillas (*Gorilla*); orangutans (*Pongo*); and siamangs (*Symphalangus syndactylus*).
  - (3) Baboons (*Papio*, *Mandrillus*).
  - (4) Bears (*Ursidae*).
  - (5) Bison (*Bison*).
  - (6) Cheetahs (*Acinonyx jubatus*).
  - (7) Crocodilians (*Crocodylia*), 30 inches in length or more.
  - (8) Constrictor snakes, six feet in length or more.
  - (9) Coyotes (*Canis latrans*).
  - (10) Game cocks and other fighting birds.
  - (11) Hyenas (*Hyaenidae*).
  - (12) Jaguars (*Panthera onca*).
  - (13) Leopards (*Panthera pardus*).
  - (14) Lions (*Panthera leo*).
  - (15) Lynxes (*Lynx*).
  - (16) Ostriches (*Struthio camelus*).
  - (17) Pumas (*Felis concolor*); also known as "cougars," "mountain lions" and "panthers."

- (18) Sharks (Chondrichthyes).
  - (19) Snow leopards (*Panthera uncia*).
  - (20) Tigers (*Panthera tigris*).
  - (21) Wolves (*Canis lupus*).
  - (22) Poisonous insects.
  - (23) Except in properly zoned districts, horses, mules, ponies, llamas, donkeys, cows, pigs, goats, sheep, chickens, poultry or any animal raised for fur-bearing purposes unless otherwise permitted elsewhere in the City Code.
- D. Exceptions. The prohibitions of Subsection **C** above shall not apply where the creatures are in the care, custody or control of a state-licensed game farm; a veterinarian for treatment; agricultural fairs; shows or projects of the 4-H Clubs; a display for judging purposes; an itinerant or transient carnival, circus or other show; dog or cat shows or trials; public or private educational institutions; or zoological gardens, if:
- (1) Their location conforms to the provisions of Chapter **480**, Zoning, of this Code.
  - (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
  - (3) Animals are maintained in quarters so constructed as to prevent their escape.
- E. Farm animals; miniature pigs. Except as provided in § **178-19** and on properties zoned in an agricultural classification, no person shall own, keep, harbor or board any cattle, horses, ponies, swine, goats, sheep, fowl (more than two) or rabbits (more than four).<sup>[1]</sup>
- [1] *Editor's Note: Original §§ 7-1-13, Sale of rabbits, chicks or artificially colored animals, 7-1-14, Providing proper food and drink to confined animals, and 7-1-15, Providing proper shelter, of the 1995 Code, which immediately followed this section, were repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

## § 178-12. Neglected, abandoned or injured animals.

- A. Neglected or abandoned animals.
- (1) No person may abandon any animal.
  - (2) Any law enforcement or animal control officer may remove, shelter and care for an animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and such officer or other person having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.
  - (3) If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or does not, within five days after notice, redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.
  - (4) Whenever in the opinion of any such officer an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, it shall be lawful for such officer to kill such animal, and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted.
  - (5) Section **173.10**, Wis. Stats., Investigation of cruelty complaints, and § **173.24**, Wis. Stats., Expenses of investigation, are hereby adopted by reference and made a part of this chapter.

- B. Injured animals. No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when and if such animal becomes sick or injured. In the event the owner of such animal cannot be located, the City or any animal control agency with whom the City has an agreement or contract shall have the authority to take custody of such animal for the purpose of providing medical treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment.

## § 178-13. Cruelty to animals and birds prohibited.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

No person except a law enforcement officer or humane officer in the pursuit of his duties shall, within the City, shoot or kill or commit an act of cruelty to any animal or bird or disturb any bird's nests or bird's eggs.

## § 178-14. Limit on number of dogs.

- A. Purpose. The keeping of a large number of dogs within the City of Colby for a considerable period of time detracts from and, in many instances, is detrimental to, healthful and comfortable life in such areas. The keeping of a large number of dogs is, therefore, declared a public nuisance.
- B. Number limited. No more than two dogs may be kept in one household, except a litter of offspring from one female dog may be kept for not more than 16 weeks from birth or when a kennel license has been issued.

## § 178-15. Animal feces.

- A. Person walking animal required to remove fecal matter. It shall be unlawful for any person to cause or permit any animal, specifically including, but not limited to, dogs, horses and cats, to be on property, public or private, not owned or possessed by such person unless such person has in his immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person. Any person causing or permitting a dog, horse or cat to be on property not owned or possessed by such person shall immediately remove all excrement of such dog, horse or cat to a receptacle located upon property owned or possessed by such person. No person shall permit their dog or cat or other animal to excrete feces upon public rights-of-way or in any park in the City. This section shall not apply to a person who is visually or physically handicapped.
- B. Accumulation of fecal matter prohibited on private yards. The owner or person in charge of the dog or cat must also prevent accumulation of animal waste on his own property by regularly patrolling and properly disposing of the fecal matter.

## § 178-16. Trapping of animals.

- A. In the interest of public health and safety, it shall be unlawful for any person, in or on City-owned land within the City of Colby, to set, place or tend any trap for the purpose of trapping, killing, catching, wounding, worrying or molesting any animal, except by use of live box-type traps only. "Live box-type traps" shall be defined as those traps which capture and hold an animal in an alive and unharmed condition.
- B. This section shall prohibit the use of all traps other than live traps as described above, including, but not limited to, traps commonly known as "leg traps," pan-type traps or other traps designed to

kill, wound or close upon a portion of the body of an animal.

- C. All such traps set, placed or tended shall comply with Ch. 29, Wis. Stats., as it relates to trapping.
- D. This section shall not apply to trapping on private property.
- E. Nothing in this section shall prohibit or hinder the City of Colby or its employees or agents from performing their official duties.

## § 178-17. Dangerous animals.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Colby:

- A. Any warm-blooded, carnivorous or omnivorous, wild or exotic animal, including but not limited to nonhuman primates, raccoons, skunks, foxes and wild and exotic cats.
- B. Any animal having poisonous bites.
- C. Any pit bull dog. "Pit bull dog" as that term is used in this section is defined to mean:
  - (1) The Staffordshire bull terrier breed of dog;
  - (2) The American pit bull terrier breed of dog;
  - (3) The American Staffordshire terrier breed of dog;
  - (4) Any dog which has the appearance and characteristics of being predominantly of the breeds of Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier or a combination of any of these breeds.

## § 178-18. Keeping of bees.

- A. It shall be unlawful for any person to establish or maintain any hive, stand or box where bees are kept or keep any bees in or upon any premises within the corporate limits of the City of Colby unless the bees are kept in accordance with the following provisions:
  - (1) No hive, stand or box where bees are kept shall be located closer than 20 feet to any property boundary. Such hives, stands or boxes may only be located in the rear yard.
  - (2) If bee colonies are kept within 50 feet of any exterior boundary of the property on which the hive, stand or box is located, a barrier that will prevent bees from flying through it, no less than five feet high, shall be installed and maintained along said exterior boundary. Said barrier may be either a natural planting or artificial.
  - (3) Fresh, clean watering facilities for bees shall be provided on the premises.
  - (4) The bees and equipment shall be kept in accordance with the provisions of state law.
  - (5) A conditional user permit shall first be obtained pursuant to Chapter 480, Zoning, of the City Code.
- B. Nothing in this section shall be deemed or construed to prohibit the keeping of bees in a hive, stand or box located within a school or university building for the purpose of study or observation.

## § 178-19. Vietnamese potbellied pigs.

- A. Definitions. As used in this section, the following words and phrases shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

**VIETNAMESE POTBELLIED PIG**

A purebred Vietnamese Potbellied Pig registered through a North American Vietnamese Potbellied Pig Registry, which does not exceed 100 pounds in weight.

- B. License required; fee. It is unlawful for any person, party, firm or corporation to keep or maintain within the City of Colby limits a Vietnamese potbellied pig without first having obtained a license from the City Clerk-Treasurer and being in compliance with all provisions of this section. The fee for a license issued hereunder or renewal thereof shall be as set by the Common Council. Excepted from the license requirement is any law enforcement agency or agency under contract with the City to care for stray or unwanted animals.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- C. License application and renewal.

(1) Any applicant for a license or renewal thereof under this section shall file with the City Clerk-Treasurer a fully executed application on a form prescribed by the City Clerk-Treasurer, accompanied by the annual license fee.

(2) No licenses or renewal thereof shall issue hereunder until:

(a) A certificate of purebred registration is filed with the Clerk-Treasurer.

(b) There has been an inspection of the premises being licensed by a City law enforcement officer or the Building Inspector and a determination by said sanitarian that all requirements of this section, and other applicable general and zoning ordinances, have been met.

(c) There is an adequate means of restraining animals from running at large or disturbing the peace.

(3) Any license or renewal thereof issued hereunder shall be for a calendar year or portion thereof. Licenses must be renewed each calendar year on or before the 31st day of January. Licenses shall not be assignable or transferable either to another person, party, firm or corporation or for another location.

(4) When issued, a license shall be kept upon the licensed premises and exhibited, upon request, to any City personnel requesting to examine it and having authority to enforce this section.

(5) Only one Vietnamese Potbellied Pig may be at any premises.

- D. License requirements. A licensee shall comply with the following as a condition of obtaining and maintaining a license:

(1) Animal feces shall be collected on a daily basis and stored in a sanitary receptacle. Animals shall not be brought, or permitted to be, on property, public or private, not owned or possessed by the owner or person in charge of the animal, unless such person has in his/her immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person.

(2) When sunlight is likely to cause overheating to discomfort, sufficient shade shall be provided to allow an animal kept outdoors to protect itself from the direct rays of the sun.

(3) An animal kept outdoors shall be provided with access to shelter to allow it to remain dry during rain or snow. Animals may be kept outdoors only if contained in a fenced enclosure sufficient for purposes of restraint.

(4) When the atmospheric temperature is less than 50° F., an animal shall be kept indoors at a temperature no less than 50° F., except for temporary ventures which do not endanger the

animal's health.

- (5) An effective program for the control of insects, ectoparasites, avian and mammalian pests shall be established and maintained where a problem.
  - (6) Animals shall be fed and watered at least once a day, except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, wholesome, palatable and of sufficient quality and nutritive value to meet the normal daily requirements for the condition and size of the animal. Food receptacles shall be accessible to the animal and shall be located so as to minimize contamination by excreta. Feeding pans shall be durable and kept clean. The food receptacles shall be cleaned daily. Disposable food receptacles may be used, but must be discarded after each feeding. Self-feeders may be used for the feeding of dry food and they shall be sanitized as needed, but at least once per week, to prevent molding, deterioration or caking of feed.
  - (7) Animals may not be permitted to exceed 100 pounds in weight.
  - (8) Animals shall be examined by a veterinarian within a period of 60 days prior to a new license application being filed. The animal may be licensed only upon a written statement from a veterinarian as to:
    - (a) The animal's weight.
    - (b) The animal has received all recommended vaccinations and boosters.
    - (c) The animal is asymptomatic respecting disease or has a disease which is not contagious and is receiving appropriate treatment.
    - (d) The animal's tusks, if any, have been removed or trimmed so as not to endanger any person or animal.
    - (e) The animal has passed a pseudorabies test administered in accordance with applicable state regulations.
  - (9) The animal shall not be permitted to run at large. "Run at large" shall mean the presence of an animal which is not on a leash of six feet or less on any public property or thoroughfare or on any private property. An animal may be unleashed on private property, with the permission of the property owner, in a fenced enclosure sufficient for purposes of restraint. Animals which are not leashed in a motor vehicle shall not be deemed to "run at large" if secured in a manner as will prevent their escape therefrom.
  - (10) Animals shall not be kept in a manner so as to disturb the peace of the neighborhood or of persons passing to and from upon the streets.
- E. Suspension, revocation or denial of renewal of license. The Chief of Police shall have the right to suspend or revoke any license once granted or deny annual renewal thereof when it appears that any licensee has violated any of the provisions of this section, or any ordinance of the City, or law, rule or regulation of the State of Wisconsin, involving cruelty or mistreatment of the animal, or the unlawful possession of the animal. Prior to the suspension or revocation of any license or the denial of an application for a renewal thereof, written notice of the reason for such action shall be given to the applicant or licensee by the officer. Such notice shall state that the applicant may pursue an appeal to the Common Council by filing a request within 10 days of such notice.

## § 178-20. Penalties.

- A. Any person violating §§ 178-11 through 178-14 and 178-16 through 178-19 shall be subject to a forfeiture of not less than \$50 and not more than \$200. 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. Violation of license and rabies requirements.

(1) Anyone who violates §§ 178-1, 178-3, 178-4 and 178-5 of this chapter or Ch. 174, Wis. Stats., shall be subject to a forfeiture of not less than \$25 and not more than \$200 for the first offense and not less than \$100 and not more than \$400 for any subsequent offenses.  
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

(2) An owner who fails to have a dog vaccinated against rabies as required in § 178-2 shall be subject to the penalty prescribed by § 95.21(10)(a), Wis. Stats.  
[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

(3) An owner who refuses to comply with an order issued under § 178-5 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 \$100 nor more than \$1,000.

C. Any person who violates § 178-6 through § 178-10 of this chapter shall be subject to a forfeiture of not less than \$25 and not more than \$100 for the first violation and not less than \$50 and not more than \$200 for subsequent violations.

D. Any person who violates § 178-15 of this chapter shall be subject to a forfeiture of \$10.

- (9) The animal shall not be permitted to run at large. "Run at large" shall mean the presence of an animal which is not on a leash of six (6) feet or less on any public property or thoroughfare or on any private property. An animal may be unleashed on private property, with the permission of the property owner, in a fenced enclosure sufficient for purposes of restraint. Animals which are not leashed in a motor vehicle shall not be deemed to "run at large" if secured in a manner as will prevent their escape therefrom.
- (10) Animals shall not be kept in a manner as to disturb the peace of the neighborhood or of persons passing to and from upon the streets.
- (e) **Suspension, Revocation or Denial of Renewal of License.** The Mayor or law enforcement officers shall have the right to suspend or revoke any license once granted or deny annual renewal thereof when it appears that any license has violated any of the provisions of this Section, or any ordinance of the City, or law, rule or regulation of the State of Wisconsin, involving cruelty or mistreatment of the animal, or the unlawful possession of the animal. Prior to the suspension or revocation of any license or the denial of an application for a renewal thereof, written notice of the reason for such action shall be given to the applicant or licensee by the officer. Such notice shall state that the applicant may pursue an appeal to the Common Council by filing a request within ten (10) days of such notice.

## **Sec. 7-1-26 Keeping of Chickens on Residential Parcels.**

- (a) **Purpose.** The purpose of this Section is to provide standards for the keeping of a limited number of domesticated chickens and other poultry on residential parcels in the City of Abbotsford on a non-commercial basis while limiting the potential adverse impacts on the surrounding neighborhood. The City recognizes that the keeping of backyard chickens helps provide locally produced, affordable and sustainable food. In addition, the keeping of such chickens can also provide animal companionship, weed and insect control, and nitrogen-rich fertilizer. The City of Abbotsford recognizes, however, that potential adverse impacts may result from the keeping of domesticated chickens as a result of odor, unsanitary waste removal and storage practices, noise, improper living conditions, non-confined poultry leaving the owner's property, and the attraction of predators, rodents or insects. This Section is intended to balance these interests. This Section is not intended to apply to indoor non-poultry birds kept as pets, including, but not limited to, parrots and parakeets, nor to the lawful transportation of fowl through the City of Abbotsford.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Chicken.** Includes the following types of poultry and fowl: chickens, ducks, pigeons, doves, and quail. [Note: Other poultry types are specifically addressed in this Section.]

- (2) **Chicken Coop.** A structure or building for the sheltering of chickens or other poultry. An existing shed or garage may be utilized for this purpose if it meets the standards of this Section, including required distances to property lines and neighboring residences. Also known as a "hen house" or "chicken house".
- (3) **Chicken Pen.** An outdoor fenced area for poultry grazing and exercise use associated with a chicken coop structure. Also known as a "run".
- (c) **Where Permitted.** Chickens may be raised on one- or two-family residential-zoned parcels, as defined in the City of Abbotsford Zoning Code, in accordance with the regulations prescribed in this Section where a principal residence exists on the parcel.
- (d) **Permit Required; Application Requirements.** No chickens may be kept in the City of Abbotsford on parcels with a residential zoning classification except pursuant to a permit obtained from the City Clerk-Treasurer under this Section. A permit may be issued upon the applicant's meeting of the application requirements below and the husbandry and location standards of this Section:
  - (1) **Consent From Adult Residents.** The applicant must provide the written consent from all adult residents residing on the parcel for which the permit is sought.
  - (2) **Consent From Two-Family/Three Family Neighbors.** In the case of an applicant residing on a parcel with a two-family or three-family residence, the applicant must furnish with an application the written consent from the adult occupants of the other residential unit(s) on the parcel.
  - (3) **Site Plan.** The applicant shall provide a site plan showing the location and dimensions of the proposed chicken coop and any associated pen, and the distance of the coop and pen from all lot lines and principal structures located on adjacent lots.
  - (4) **Fee.** The applicant shall make payment of the initial permit fee or renewal fee prescribed in Section 1-3-1. Permit fees will not be pro-rated in the case of mid-year applications.
  - (5) **Inspection Consent.** Application and issuance of a permit under this Section constitutes consent by the applicant to the City of Abbotsford 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 a permit is in effect.
  - (6) **Permit Issuance; Appeals.**
    - a. Permits will be issued by the City Clerk-Treasurer upon a finding that all conditions for a permit have been met. Written notice of the granting or denial of an application shall be provided to the applicant and to any person who has filed an objection to the granting of the permit. If a permit is denied, the City will provide the reasons for such denial.
    - b. The City may specify maximum size limits for a chicken coop and/or pen as a condition of permit issuance.
    - c. Any person aggrieved by the granting 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. Permits under this Section shall be valid for a period of one (1) year, expiring on January 31st of each year.

(e) **Permit Revocation; Citizen Complaints.**

- (1) **Revocation Grounds.** A permit issued under this Section may be revoked by the City Clerk-Treasurer, Zoning Administrator or other enforcement official upon a finding that:

- a. 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; or  
b. The permittee has made a material misstatement or omission with his/her permit application.

- (2) **Citizen Complaints.** A citizen may file a written complaint for consideration by the City Clerk-Treasurer or other enforcement official. Upon review, a revocation action may be initiated by the City Clerk-Treasurer or other enforcement official.

- (3) **Revocation Procedures.** The City Clerk-Treasurer or other enforcement official shall provide written notice to the permittee upon the revocation of a permit, and shall include in the notice a listing of the reasons for the revocation and a notice of the permittee's appeal rights as provided in this Subsection. The City Clerk-Treasurer or other enforcement official shall also 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.

- (4) **Permit Revocation Appeals.** Any person aggrieved by the revocation or non-revocation of a permit may appeal such decision and have the 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.

(f) **Chicken Coop Standards.** A coop shall be provided and shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood. Chickens shall be provided with a building or structure ("coop") that meets the criteria set forth below:

- (1) **Location.** The coop shall be located no closer than ten (10) feet to a lot line, and no closer than twenty-five (25) feet to any residence or other occupied structure other than that of the owner, and may not be located in the street or side yard, as that term is defined in the City Zoning Code.

- (2) **Space Per Chicken.** Each mature chicken shall have a minimum of three (3) square feet of coop floor space.

- (3) **Nesting Boxes.** There shall be at least one (1) nesting box per mature chicken in the coop.

- (4) **Elevated Perches.** The coop shall include elevated perches.

- (5) **Soundness of Construction.** The coop must be structurally sound, moisture-proof, kept in good repair, and attractively finished and maintained. Coop structures shall have a roof and sides, be enclosed on all sides, have at least one (1) door, and be of a design that is secure from predators, including but not limited to dogs, cats, racoons, skunks, rats, coyotes and hawks. Access doors must be able to be closed and locked to prevent the escape of chickens and the entry of predators. A coop, with attached pen, may be of a moveable design to facilitate grazing provided such unit meets the standards of this Section.
- (6) **Windows; Ventilation.** The coop shall have adequate windows and vents to provide for proper light and ventilation. A coop must have at least one (1) window. Window and vent openings shall be covered with predator- and bird-proof wire of less than one (1) inch openings. Coops shall be located in a manner so as to provide both shade and adequate sunlight.
- (7) **Chicken Run Access.** The coop must provide access to the chicken pen/run.
- (8) **Temperature.** The coop must be maintained at an internal temperature of not less than 25° F. A heating bulb may be utilized.
- (g) **Chicken Pens.** Free-range chickens are prohibited. Chickens shall at all times be provided with an outdoor fenced area that meets the criteria set forth below:
  - (1) **Location.** The chicken pen must be no closer than ten (10) feet to a lot line, and no closer than twenty-five (25) feet to any house or other occupied structure other than that of the owner, and may not be located in the street or side yard, as that term is defined in the City Zoning Code.
  - (2) **Space Per Chicken.** Each mature chicken shall have a minimum of six (6) square feet of ground space within a chicken pen.
  - (3) **Minimum Dimensions.** The chicken pen must have minimum dimensions of three (3) feet wide by three (3) feet long by three (3) feet tall (3' x 3' x 3').
  - (4) **Fencing; Mesh Size.** The chicken pen sides shall be enclosed with sturdy wire fencing of a mesh size of not more than one (1") inch openings.
  - (5) **Chicken Pen Roof Fencing.** The chicken pen shall be covered with wire fencing or stout aviary netting with a mesh size of openings not more than one (1") inch square, or with solid roofing, to prevent entry by predators.
  - (6) **Fencing Burial.** If the chicken pen is not mobile, side fencing must be buried at least one (1) foot underground around the entire periphery of the pen to prevent burrowing by predators or rodents.
- (h) **Miscellaneous Requirements.**
  - (1) **Number Limits; Other Poultry Species.**
    - a. The maximum number of chickens which may be kept on a residential zoned parcel is as follows:
      1. Five (5) for residential lots of twenty thousand (20,000) sq. ft. or less.
    - b. The number of chickens which may be kept on residential lots greater than twenty thousand (20,000) sq. ft. may be increased by one (1) additional chicken per three thousand (3,000) sq. ft. up to a maximum of eight (8).

- c. The keeping of poultry species other than those specified in Subsection (b)(1), such as, but not limited to turkeys, pheasants, guinea fowl, geese and peacocks, is permitted only on parcels forty thousand (40,000) sq. ft. or larger after issuance of a conditional use permit pursuant to the City Zoning Code (Title 13, Chapter 1, Article E).
- (2) **Roosters.** Only female chickens are permitted on residential parcels and the keeping of roosters over four (4) months of age is prohibited on residential parcels except on those residential parcels forty thousand (40,000) square feet or larger where one (1) rooster may be kept for every ten (10) hens.
- (3) **Food and Water.** Chickens shall be provided with access to clean water and food at all times; steps shall be taken to keep such water and food unavailable to predators and rodents.
- (4) **Confinement Standards.** Chickens shall be kept confined in a coop or pen enclosure at all times, except that during daylight hours chickens may be allowed outside of their chicken pens or coops in a securely fenced yard if directly supervised. Chickens shall be secured within the coop during non-daylight hours.
- (5) **Manure Storage and Removal; Sanitary Standards.**
- The coop shall be cleaned daily. Provision shall be made for the storage and removal of chicken manure and other waste generated. All stored manure shall be contained within a fully enclosed building or in a predator- and vermin-proof container with a secure lid. Manure not used for fertilizing or composting shall regularly be removed from the site.
  - Feed shall be stored in a predator- and vermin-proof container with a secure lid. Uneaten or spoiled feed shall be removed in a timely manner.
  - The coop, pen, and surrounding area shall be kept free from trash and accumulated droppings, and shall at all times be clean and well-maintained.
  - Mobile chicken coops or pens shall be moved daily to prevent excessive manure or pathogen accumulation.
  - If a chicken dies, it shall be disposed of promptly in a sanitary manner.
  - Chickens shall not be kept in the principal residence past eight (8) weeks of age.
- (6) **Lighting.** Only motion-activated lighting may be used as a regular means of illuminating the exterior of the coop.
- (7) **Noise and Odor Impacts.**
- Perceptible noise from chickens shall not be persistent or be of such loudness at the property boundaries to disturb persons of reasonable sensitivity.
  - Odors from chickens, chicken manure, or other substances related to the keeping of chickens shall not be perceptible at the property boundaries.
- (8) **Slaughtering of Chickens.** No slaughtering of chickens shall take place outside or within public view.
- (9) **Restrictive Covenants.** While the City is not an enforcement authority for private restrictive covenants in place for certain subdivisions, it is the responsibility of the

permittee to also investigate and be in compliance with any applicable land division restrictive covenants on the keeping of poultry within that subdivision.

- (i) **Sale of Eggs; Commercial Activities.** A permittee or family member of a permittee may sell eggs laid by the chickens permitted under this Section from the residence for which the permit has been issued, provided the permittee complies with all other applicable laws. The sale of such eggs is not considered a commercial use or a home occupation. Chickens may not be kept for any type of commercial purposes. It shall be unlawful for any person to keep live poultry within the City on a residential-zoned parcel for the purposes of sale or breeding, except in compliance with zoning regulations.
- (j) **Penalties.**
  - (1) A forfeiture may be assessed for any violation of this Section in an amount as authorized under Sec. 1-1-7. Each day that a violation of this Section continues shall be deemed a separate violation. Any violation hereunder shall be deemed a separate violation for each chicken kept in violation of this Section.
  - (2) In addition to a forfeiture penalty, any violation of the provisions of this Section or of the permit shall be grounds for the enforcement authorities of the City of Abbotsford to remove the chickens and the chicken-related facilities. Nothing in this Section, including but not limited to the issuance of a permit, shall be construed as limiting the City from abating nuisance-type conditions on a property.

## **Sec. 7-1-27 Feeding of Deer.**

- (a) **Feeding of Deer Prohibited.** No person may place any salt, mineral, grain, deer suckers, fruit or vegetable material outdoors on any public or private property for the purpose of feeding whitetail deer or enticing deer into any specific area of anyone's property in the City of Abbotsford.
- (b) **Presumption.** There shall be a rebuttable presumption that either of the following acts are for the purpose of feeding whitetail deer:
  - (1) **Placement Height.** The placement of salt, mineral, grain, deer suckers, fruit or vegetable material 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) **Placement Quantity.** The placement of salt, mineral, grain, deer suckers, fruit or vegetable material 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, mineral, grain, fruit or vegetable material.
- (c) **Exceptions.** This Section shall not apply to the following situations:
  - (1) **Hunting.** 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.