



SHAE SORTWELL

STATE REPRESENTATIVE • 2nd ASSEMBLY DISTRICT

Hearing Testimony
Assembly Committee on Sporting Heritage
January, 17, 2024
Assembly Bill 685

Chairman Pronschinske and members of the Assembly Committee on Sporting Heritage – Thank you for giving me the opportunity to speak on AB 685, relating to the local regulation of fowl.

Individuals growing or raising their own food on their property is becoming more popular, regardless of their location, due to inflation, supply chain issues, and government food controls on farmland. Protecting this basic human right is essential. Government should encourage and protect, not limit, the right to raise your own food on your own private property.

Several bigger municipalities already allow this practice, including Milwaukee, Green Bay, Kenosha, Racine, and Appleton. In fact, Madison doubled its cap to eight chickens earlier this year. Unfortunately, we have heard from constituents in other parts of Wisconsin that are not allowed this freedom.

To ensure the right to raise fowl on property is protected for all Wisconsinites, AB 685 is similar to Madison's chicken ordinances. Unless a cap is raised higher by a municipality, Wisconsinites would be able to keep up to four fowl on their residential property. Municipalities still have the flexibility to prohibit roosters, to require a permit or a notification of adjoining land owners, or to impose reasonable regulations on fowl housing.

I appreciate the opportunity to testify on this legislation and would gladly answer any questions the committee may have.



Department of Administration
Intergovernmental Relations Division

Cavalier Johnson
Mayor

Preston Cole
Director of Administration

James A. Bohl, Jr.
Director of Intergovernmental Relations

City of Milwaukee Position on AB 685

Chairman Pronschinske and members of the Assembly Committee on Sporting Heritage,

My name is Jim Bohl and I am director of the Intergovernmental Relations Division of the City of Milwaukee (City). I thank you for the opportunity to provide rationale for the City's opposition to the current drafting of AB 685: Fowl Regulation.

The City of Milwaukee and several of the state's larger municipalities which have current chicken ordinances were cited as examples in the co-sponsorship memo as model communities allowing their residents the "right to raise food on their own property".

For edification, Milwaukee's current ordinance allows for the keeping of up to four chickens with a permit on a single-family residential property. Those permits do not extend to commercial or mix-use occupancies. The permit excludes the maintaining of roosters, and importantly, prohibits the slaughter of chickens. In short, our ordinance allows chickens for eggs.

AB 685's drafting has several shortcomings from the City's perspective. Most importantly, it preempts local communities' ability to either restrict or maintain standards to the needs and liking of that community.

We believe our dense neighborhoods with small lots and minimal setbacks warrants our ability to maintain the current regulations we have in place. This includes the ability to restrict the broader listing of permitted fowl found in this bill. For reasons which vary from cleanliness concerns, to avian-carried illnesses, and noise, the City opposes any consideration for maintaining residential fowl

beyond chickens and quail. Additionally, the City opposes any imposition to its current law by expanding the allowance of chickens beyond single-family residential properties. What's more, the bill does not permit the establishment or preservation of local cleanliness standards which are essential for maintaining health, odor, and rodents, when fowl are present in dense urban areas. Lastly, AB 685 does not speak to local restrictions on the slaughtering of fowl in residential properties which the City believes is essential for the health and safety of its residents.

Like with so many other issue areas, the City believes maintaining local rights around decision making is the most appropriate mechanism for determining what is best for our residents. We are open to adding quail to our current allowance of chickens, but feel the best instrument for deciding this and other necessary regulations around the fowl issue rests with our Council and Mayor.

Thank you for the ability to express our views. I am happy to answer any questions you may have.

Chicken Keeping in the City of Milwaukee

How to apply for a permit to keep chickens in Milwaukee

1. Complete a Chicken Coop Site Plan Form (DNS-362) to the satisfaction of the department. Blank site plans are available from DNS at 4001 S. 6th St., 1st floor. (See Sample Site Plan for an example.)
2. Mail Chicken Coop Site Plan Form and a check or money order payable to "City of Milwaukee" for \$35.56* (one-time fee) to the Department of Neighborhood Services, 4001 S. 6th St., 1st floor for review. This office does not accept cash as payment. Approval by the department is contingent on a review for completeness and compliance with the ordinance. The permit will be mailed to the applicant upon approval.
3. Before a permit is issued, DNS will notify all of the property owners where the chickens shall be kept and owners (not residents) of all directly or diagonally abutting properties, including those across an alley. Neighbors will be given an opportunity to voice any concerns they may have.

Read 78-6.5 Keeping of Chickens in the City and our Chicken Keeping Brochure for more information.

*This fee includes a 1.6% Training and Technology surcharge.

What chickens are allowed?

As of July 28, 2011 residents in the City of Milwaukee will be allowed to keep chickens with the following provisions.

The keeping of up to 4 chickens, with a permit is allowed on a residential premise only. Permits will not be allowed on commercial or mixed-use occupancies.

Roosters are not allowed.

No person shall slaughter any chickens.

Coop location and design

Chicken coops shall be constructed in a workmanlike manner, be moisture resistant, and either raised off the ground or placed on a hard surface such as concrete, patio block or gravel.

Chicken coops and yards shall be constructed so they will not have standing water.

Chicken coops shall be cleaned of hen droppings, uneaten feed, feathers and other waste daily and as necessary to ensure a health, odor or other nuisance does not exist.

Chicken coops and yards together shall be large enough to provide at least 16 square feet per chicken. Fenced enclosure space can be added to the coop space to add up to the minimum number of square feet. Coops cannot be taller than 10 feet. Coops cannot exceed 50 sq. ft.

Enclosures shall not be closer than 25 feet to any residential structure on an adjacent lot. Enclosures shall not be located in the front yard of a dwelling.

Care for the chickens

Chickens shall be provided with fresh water at all times and adequate amounts of feed.

Chickens shall be provided with a sanitary and adequately-sized, covered enclosure, or coop, and shall be kept in the enclosure or a sanitary and adequately-sized and fenced enclosure, or yard, at all times. Chicken coops and enclosures may not be homes or garages.

DNS intervention or inspections

An inspection of the proposed chicken keeping site will not be conducted by the Department of Neighborhood Services as part of the permitting process. DNS will inspect and determine compliance with the ordinance on a complaint basis or if it believes a violation may be occurring. DNS may take enforcement action it deems appropriate if violations are noted.

DNS will answer questions about the permitting process and the ordinance it is charged with enforcing. To inquire about the permitting process, please contact the Department of Neighborhood Services, Residential Enforcement Section-Animals at (414) 286-2759.

DNS will not offer advice or provide suggestions regarding the practice of keeping chicken. For example, DNS will not suggest how to build a chicken coop or enclosure nor advise on where to acquire knowledge related to chicken keeping.

Problems with chickens to be reported

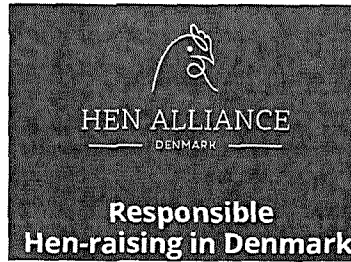
Chickens shall not cause any nuisance, unhealthy condition, public health threat or otherwise interfere with the normal use of property or enjoyment of life by humans or animals.

Unusual illness or death of chickens shall be reported to the Health Department.

A permit may be revoked for failure to comply with provisions of the ordinance and, once revoked, shall not be reissued.

Still Have Questions?

Any questions regarding this process should be directed to the Department of Neighborhood Services, Residential Enforcement Section-Animals at (414) 286-2759.



The Denmark Hen Alliance of Denmark Wisconsin is a loose group of people who are trying to change our Village ordinance to allow the raising of a small number of chickens within the village limits, what we are calling "Back Yard Chickens". Chapter 111 Animals § 111-10 of the Denmark Village Ordinance code currently states "Keeping of chickens prohibited. No person, firm, or corporation shall bring into, keep, maintain, offer for sale or barter, or release to the wild in the Village any live chicken or rooster."

We have engaged in an education campaign within our village where we review other municipalities' chicken ordinances, review their complaints, take questions from the community, and even do breakdowns of how USDA, WI DATCP, Brown County Department of Public Health, and other existing laws on Poultry apply to backyard hens. We engage with those institutions to have them review our documents for accuracy before we publish them in public. All of this is being publicly and transparently posted on our website and our social media.

https://denmarkhenalliance.my.canva.site/?fbclid=IwAR1x0qm8_sxIfFIbFgFuf-taycFukO19hvevJWOziEXN2ECTNORrAZUrKg

<https://www.facebook.com/DenmarkHenAlliance>

We support the passage of Wisconsin Legislation AB 685 as proposed by Representative Sortwell and thank all the Representatives and State Senate members who have also introduced this bill. The Passage of AB 685 would ensure that the citizens of Wisconsin would be allowed to raise chickens for eggs, teach responsibility to young people as demonstrated by our FFA and 4H programs, and keep in line with Wisconsin's general commitment to self determination. We also appreciate the common sense limitations put forward in this bill since being allowed to have chickens does come with responsibilities to our neighbors to go along with the benefits.

We apologize that none of us could make the trip today, those of us that do the majority of the work for the Denmark Hen Alliance are parents with families and had prior engagements that kept us from the drive to Madison.

Andy DiMezza of the Denmark Hen Alliance

January 16, 2024

Emma Schmidt
21004 Mainstreet
Collins, WI 54207

Dear Shae Sortwell and the committee,

It is my pleasure to write a letter of support for Assembly Bill 685 being submitted to the committee by Shae Sortwell in Madison, Wisconsin.

In Wisconsin, owning poultry can be a great way to promote self-sustainability. Having up to 4 birds allows families to have a steady supply of fresh eggs, which can be healthier and more environmentally friendly than store-bought eggs. Also, raising poultry is an educational experience for children, teaching them about responsibility and the cycle of life. This bill would also help in waste management, as poultry are omnivores and can eat any left-over kitchen scraps, reducing household waste. Lastly, poultry contributes to backyard ecosystems, helping control pests such as ants, mosquitos, grubs, and many more.

Furthermore, I fully support the efforts of Wisconsin State Assembly Member, Shae Sortwell, as he seeks approval for Assembly Bill 685, designed to allow up to 4 poultry in political subdivisions and sewer districts. I truly hope you please consider supporting Assembly Bill 685, not just for the current residents of our great state, but for future generations to come.

Sincerely,

A handwritten signature in cursive script that reads "Emma Schmidt". The signature is written in black ink and is positioned above the printed name.

Emma Schmidt