

**ORDINANCE NUMBER 2023-511**  
**AN ORDINANCE AMENDING CHAPTER 6, ARTICLE VII OF THE CODE OF ORDINANCES OF**  
**THE CITY OF MILTON TO PROVIDE FOR THE KEEPING OF QUAIL**

WHEREAS, the provisions of Chapter 6 Article VII of the Code of Ordinances of the City of Milton currently provide for the keeping of chickens subject to the restrictions contained therein; and

WHEREAS, the Common Council of the City of Milton is not aware of any complaints or concerns having been generated concerning the keeping of chickens subsequent to the creation of said Article VII; and

WHEREAS, the Common Council having received a request to allow for the keeping of quail subject to the same or similar requirements for the keeping of chickens; and

WHEREAS, the Common Council having determined that the keeping of quail subject to the same or similar requirements for the keeping of chickens is not likely to create any concerns regarding said use of property in the city and will provide benefits to the keepers of quail similar to those provided to the keepers of chickens.

NOW, THEREFORE, the Common Council of the City of Milton do ordain as follows:

Section I. Chapter 6 Article VII of the Code of Ordinances of the City of Milton is hereby amended to read as follows:

Article VII. Keeping of Chickens and Quail.

Section 6-200. Prohibition Against Keeping of Chickens and Quail.

No person may keep, or permit to be kept, chickens and/or quail on property not zoned agricultural, without compliance with all requirements of this article.

Section 6-201. Permit Required.

A permit issued by the City is required for the keeping of chickens and/or quail.

Section 6-202. Permit Application Process.

- (a) The application for a permit for the keeping of chickens and/or quail shall be on forms provided by the city clerk. The complete application must be accompanied by a scale drawing showing the location of the proposed coop and any run, and distances from such structures to the boundaries of the property as well as to nearby principle structures. Payment of the required fee must accompany the application.
- (b) Upon receipt of the completed application, the city clerk shall notify the owner of the subject property, if other than the applicant, and owners of all properties directly or diagonally abutting the subject property, including those located across an alley, of the filing of the permit application. The notice shall inform such owners that they have fourteen (14) days from the date of the notice to file with the city clerk their written objection, if any, along with a request for a hearing concerning the permit application. The notice will be sent by the city clerk by First Class U.S. Mail.

- (c) If a timely written objection and request for hearing is received by the city clerk, the common council shall hold a hearing within fourteen (14) days of receipt of the objection and request. At the hearing the applicant and objectors will each be permitted to provide the council with evidence in support of their respective positions. Following the hearing the common council will render its decision on whether to grant the permit and, if so, under what conditions. The decision shall be mailed to the applicant and objectors within ten (10) days of the hearing.
- (d) Prior to the permit being issued, the applicant will file with the city clerk a completed building plan for the coop and other required enclosures.

Section 6-203. Permit Requirements.

- (a) The maximum number of chickens allowed is four (4) per parcel. No roosters are permitted. The maximum number of quail allowed is sixteen (16) per parcel.
- (b) No slaughter of chickens or quail is permitted on the permit premises.
- (c) Chickens and quail must be provided with fresh water and adequate amounts of feed at all times. Feed and water must be made unavailable to rodents.
- (d) Chickens and quail shall be provided with a sanitary and adequately sized covered enclosure or coop and shall be kept in the covered enclosure or in a sanitary and adequately sized and accessible fenced enclosure at all times. Chicken or quail coops and related enclosures 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 blocks or gravel. Chicken or quail coops and enclosures shall be constructed and maintained to reasonably prevent the collection of standing water. When considered together, chicken coops and enclosures shall be large enough to provide at least 16 square feet of space per chicken. Coops or enclosures for quail shall be large enough to provide at least 4 square feet of space per quail.
- (e) Coops and enclosures shall be cleaned of all manure, uneaten feed, feathers and other waste materials daily and otherwise as necessary to ensure that the coop and enclosure do not become a health, odor or other nuisance.
- (f) The coop or other enclosure must be located in the rear yard and not be within 25 feet of a habitable residential structure on another parcel.
- (g) Chickens or quail may not be kept that cause any nuisance, are in an unhealthy condition, create a public threat or otherwise interfere with the normal use of property.
- (h) Permits may only be issued for residentially zoned property.

Section 6-204. Permit Denial.

The denial of a permit by the city clerk for failure to comply with the requirements of Sec. 6-203 may be appealed to the common council by filing an appeal with the city clerk, stating the grounds therefore. The common

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council may, in its discretion, waive or modify the requirements of Sec. 6-203 consistent with professional practice guidelines promulgated by the University of Wisconsin System, Rock County Extension, or similar professional or academic sources.

Section 6-205. Public Health Requirements.

- (a) Chickens and quail shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds or to humans.
- (b) A person keeping chickens and/or quail shall immediately report any unusual illness or death of chickens or quail to the city and the Rock County Public Health Department.
- (c) The city or Rock County Public Health Department may order testing, quarantine, isolation, vaccination, or humane euthanasia of ill chickens or quail, or chickens or quail believed to be a carrier of a communicable disease.

Section 6-206. Fee.

- (a) The permit fee shall be in an amount established from time-to-time by resolution of the common council.

Section 6-207. Permit Revocation.

- (a) The permit is subject to revocation upon failure to comply with any of the provisions of this article. A permit, once revoked, shall not be reissued.

Section 6-208. Penalty.

In lieu of, or in addition to revocation of the permit, the violation of any provision of this article shall be subject to penalties as provided in Section 6-3. Each continuing day of a violation will constitute a separation violation.

Section II. This ordinance shall be effective upon passage and publication as provided by law.

Approved by the Common Council of the City of Milton this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF MILTON

\_\_\_\_\_  
Anissa Welch, Mayor

Attest:

\_\_\_\_\_  
Jenny Salvo, Clerk

1<sup>st</sup> Reading: \_\_\_\_\_  
2<sup>nd</sup> Reading: \_\_\_\_\_  
3<sup>rd</sup> Reading: \_\_\_\_\_

Date Adopted: \_\_\_\_\_

Date Published: \_\_\_\_\_

**Effect of Ordinance: Allows for the keeping of quail subject to restrictions.**