

**ADMINISTRATIVE  
COMMITTEE AGENDA**



**Date and Time:** Monday, October 5, 2020 at 8:00AM CST  
**Location:** City Hall, 101 South Boulevard, Baraboo, WI 53913  
**Room:** C205 *Dennis O Thurow* Committee Room

Notices:

Full Paper to Members:	Alderspersons: John Ellington, Heather Kierzek & Kathleen Thurow
Full Paper to Others:	Mayor, Mike Palm
Paper excluding Closed Session:	Library for subsequent posting
E-mail:	Clerks and Donna Munz
Outlook Meeting Calendar:	Interim City Administrator, Ed Geick; City Attorney, Emily Truman; Police Captain, Rob Sinden; Finance Director, Cynthia Haggard; City Engineer, Tom Pinion; Clerk, Brenda Zeman
Citizen or other notices:	None

1. Call to Order:

- a. Roll call of members.
- b. Note Compliance with Open Meeting Law.
- c. Approve minutes – September 8, 2020.
- d. Approve agenda.

2. Action Items:

- a. Consider application for keeping chickens – Mariah Phillips. See the following attachments:
  - i. Mariah Phillips @ 516 3<sup>rd</sup> Street
  - ii. Letter from owner of 516 3<sup>rd</sup> Street
  - iii. Communication from Domenick Reese @ 525 2<sup>nd</sup> Street
  - iv. Communication from Kathryn Calabrese @ 507 2<sup>nd</sup> Street
- b. Consider application for keeping chickens – Andrew Lombard. See the following attachments:
  - i. Andrew Lombard @ 116 South Street
  - ii. Communication from Cory Wetzel @ 108 South Street
- c. Consider application for keeping chickens – James Dyer. See the following attachments:
  - i. James Dyer @ 404 4<sup>th</sup> Street
  - ii. Communication from Brandi Schwartz @ 512 Mill Street

3. Discussion Item:

- a. Consider changing Code 10.06, “Junk, Certain Vehicles, Recreational Equipment and Firewood” (Kierzek). See the following attachment:
  - i. Ordinance Chapter 10.06
- b. Discuss a citizen’s request to add domestic ducks and/or quail to permitted fowl in Chapter 29.13, “Chicken Permit.” (CSO Klein). See the following attachment:
  - i. Ordinance Chapter 29.13

4. Information Items

- a. Date and time of next meeting: Recommend Monday, November 2, 2020 at 8:00AM CST.

5. Adjournment:

Aldersperson Ellington

For more information about the City of Baraboo, visit our website at [www.cityofbaraboo.com](http://www.cityofbaraboo.com).

Agenda prepared by Cynthia Haggard, (608) 355-2700  
Agenda Posted by Donna Munz on October 2, 2020

Any person, who has a qualifying disability as defined by the Americans with Disabilities Act and requires the meeting or materials at the meeting to be in an accessible location or format, should contact the Baraboo City Clerk at 101 South Boulevard, Baraboo, Wisconsin or by phone (608) 355-2700 during regular business hours at least 48 hours before the meeting to ensure reasonable arrangements are made to accommodate each request.

Present: Alderpersons John Ellington, Heather Kierzek & Kathleen Thurow  
Absent: None  
Also Present: Mayor, Mike Palm; Finance Director, Cynthia Haggard; Police Chief, Mark Schauf; City Clerk, Brenda Zeman; and City Attorney, Emily Truman.  
Citizen Present: None

The meeting was called to order by Chairman John Ellington at 8:00AM CST., with roll call and noting compliance with the Open Meetings Law.

Motion by Thurow to approve the minutes of August 3, 2020, seconded by Kierzek and unanimously carried.

Motion by Thurow to approve the agenda, seconded by Kierzek and unanimously carried.

Consider application for keeping chickens – Mariah Phillips

Zeman mentioned this application was brought to the Committee at the last meeting. It was held over until the owner gave permission, since the applicant was a tenant. An approval from the owner was part of today's packet. Thurow pointed out that the approval given did not match the name on the application.

Motion to postpone the application until the October meeting and have staff obtain documentation from the owner by Thurow, seconded by Kierzek and unanimously carried.

Consider application for keeping chickens – Andrew Lombard

Thurow mentioned that the application was incomplete.

Motion to postpone the application until the October meeting and have staff obtain a complete application from the applicant by Kierzek, seconded by Thurow and unanimously carried.

Consider Liquor License Change of Agent for Casey's General Store to Anthony Hawks

Motion to approve and move on to Council the liquor license change of agent for Casey's General Store to Anthony hawks by Kierzek, seconded by Thurow and unanimously carried.

Discussion Item: Citizen's request to add domestic ducks and/or quail to permitted fowl in Chapter 29.13

Chief Schauf began with stating that as part of enforcement of the Chicken Ordinance, his Community Service Officer was out and observed ducks in someone's yard. The Officer had a conversation with the resident and was told that the ducks are pets and used for duck eggs. The Officer informed the resident that the ducks were not allowed per Ordinance. Chief Schauf received the letter included in this packet. After the receipt of the letter, Chief Schauf received a call requesting quail be added to the Ordinance.

Chief Schauf asked the Committee if they would like to see additions to the animal code that allows for the keeping of any fowl that could create a food source (eggs).

Kierzek questioned the size of the coop for ducks and if the size would need to change. Thurow raised a concern about the water needed for ducks. Chief Schauf responded that it comes down to noise, smell and safety of the animals. Mayor Palm added a suggestion to contact other communities to see what Ordinances they have related to fowl.

Motion by Thurow to direct staff to check other communities to see if they have an Ordinance for chickens, ducks and quail, seconded by Kierzek and unanimously carried.

Discussion Item: Section 29.13(2)(d) of the Chicken Permit Ordinance

City Attorney Truman responded to questions raised at the last meeting to possibly amend the Ordinance. She asked for direction from the Commission about the coop sizes that would allow for some flexibility. Truman continued and provided an example: Let's say coop size starts out at six chickens, then five die. Does it make sense to have the resident downsize the coop?

Thurow suggested waiting until they found out about the ducks being added before recommending changes.

Motion to direct staff to investigate other communities to see what they are doing for the size of their coops by Kierzek, seconded by Thurow and unanimously carried.

Member comments

The next meeting will be Monday, October 5, 2020 at 8:00AM CST. Meeting location will be 101 South Boulevard.

Motion to adjourn by Thurow, seconded by Kierzek and unanimously carried. Meeting adjourned at 8:19AM CST.

Respectfully submitted,  
Cynthia Haggard, Finance Director

FOR TREASURER USE ONLY  
 Receipt # Chicken-2020000005  
 Account # 100-10-44290  
 07/14/2020  
 BM

# APPLICATION FOR KEEPING CHICKENS

**License Applied For:**

- New \$25.00
- Renewal \$10.00

(Fees are non-refundable and due upon filing)

The undersigned requests permission to keep chickens in the City of Baraboo,  
 MARIAH PHILLIPS

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Address of applicant: 516 3RD STREET, Baraboo, WI 53913

Property Owner  Tenant

Zoning District: Available on City Website at [www.cityofbaraboo.com](http://www.cityofbaraboo.com).  
 (Permit is only allowed in R1 or R1A Zoning Districts)

R1A

Tax parcel number of site: 206-0613-00000

Lot Size: Width (50' minimum) 66'

Number of Chickens to be kept: (Cannot exceed 6.) 6

Accurate description of coop (must be covered, predator proof, provide adequate shade from summer and warmth in winter. Floor to be covered with wood or cedar chips. Coop may be part of yard shed or garage but may not be on top of a building.) Can attach photo or drawing, if preferred.  
 4x3' wooden raised coop with attached 4x8' run. Tin roof covering the coop and the run. 1/4" hardware cloth covering the sides of the run.

Coop size: Length 4' Width 3'  
 (Must provide two to four square feet per chicken.)

Size of Run attached or surrounding the coop: 4'x8'

Distance of Coop/Run to Lot lines: 10' feet to closest side lot line, 20' feet to rear lot line. (May not be closer than 10 feet to any lot line. Coop may not be placed in the front yard.)

Distance of Coop/Run to Applicant's house: 20' feet  
 (Must be closer to applicant's house than any other neighbor's house.)

Name, address, and tax parcel number of the owners of each parcel immediately touching your property line. (No application can be approved if 50% or more of the neighboring properties object.)

Name	Address	Parcel # 206-
LISA WOLFCALE	520 3RD STREET	0612-00000
EUGENE & MARY BIESEK	510 3RD STREET	0614-00000
JOANN JONES	513 2nd ST	0630-00000
GUY REYNOLDS	517 2nd ST	0629-00000
ANTHONY NINO CALABRESE	507 2nd ST	0631-00000

Name, address, and tax parcel number of the owners of each parcel immediately touching the property that also touches your property. Check the Sauk County GIS Website to verify neighbors  
<http://irs.co.sauk.wi.us/AscendLandRecords/PropertyListing/RealEstateTaxParcel#/Search>

Put in your parcel number and click Find Now. Follow this to the next page where you will find a selection to view an Interactive Map. This should show you the Parcel Numbers of your surrounding neighbors and their information. If it is a rental property, please put the information of the Property OWNER NOT RENTER in the below space.

Name	Address	Parcel # 206-
STEVEN & FRANCINE GEIKE	506 3RD STREET	0615-00000
NATHAN & ANNA MAHINSKI	526 3RD STREET	0611-00000
MARTIN STROBEL	529 2 <sup>ND</sup> ST	0627-00000
DOMENICK REESE	525 2 <sup>ND</sup> ST	0628-00000

WHEREFORE, the undersigned applicant hereby states that the foregoing information and all attachments to this application are true and correct.

Rules per Code 9.10(9):

1. Roosters and crowing cockerels shall not be kept.
2. Chickens shall not be allowed inside of a residence.
3. Chickens shall be kept in the covered coop or in the fenced run at all times.
4. The slaughtering of chickens in Residential Zoning Districts is prohibited.
5. A permit can be revoked for 3 violations within 12 months, or 5 violations within 36 months.

I will pay:  On Line       by US Mail       In Person

Dated: 07/10/2020

Signature via ScanMeDoc.com  
*Mariah Jean Phillips*  
Key: 270054207607010001000126604

Applicant/Property Owner

APPROVERS:



9-20-20

To Whom It May Concern,

As a member of Little Blue House  
Inc, the owner of 517 3rd St Baraboo,  
I give Mariah Phillips and Mariah  
Bennett my permission to have  
tickets.

Sarah Bennett  
Member  
Little Blue House Inc

**Zeman, Brenda**

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**From:** Domenick Reese [REDACTED]  
**Sent:** Friday, July 24, 2020 8:11 AM  
**To:** Zeman, Brenda  
**Subject:** Re: Phillips Application for Keeping Chickens

I guess you approved the chickens. They are here. Farm animals inside town limits. Crazy

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**From:** Domenick Reese [REDACTED]  
**Sent:** Wednesday, July 22, 2020 6:38 PM  
**To:** bzeman@cityofbaraboo.com <bzeman@cityofbaraboo.com>  
**Subject:** RE: Phillips Application for Keeping Chickens

Clerk Zeman,

I have a neighbor, across the street, with 3 parrots that scream so loud it sounds like a baby is being murdered. Wonderful thing to hear having morning coffee on the front porch. I have a neighbor behind me with a monster of a dog so when he barks I swear the windows rattle. I have Peter Rabbit and his entire village living in my yard. Then I have this group of squirrels that like to tear up my flowers and then I watch them high five each other like they do on the GEICO commercial. So please, no farm animals. I don't need roosters cock a doddle doddling and hens a clucking too!

Thank you,  
Domenick Reese  
525 2nd St  
Baraboo, WI

PS. I made this response funny, I hope it made you smile, but the "please, no farm animals" is real. So are all the animals in my neighborhood!

## Zeman, Brenda

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**From:** Kathy Calabrese [REDACTED]  
**Sent:** Monday, July 27, 2020 1:27 PM  
**To:** Zeman, Brenda  
**Subject:** Chickens on 3rd Ave

Dear Brenda,

I live near Mariah Phillips and have received a notice from the city regarding the keeping of chickens at 516 3rd Street. I am co-owner, with my husband Anthony, of 507 2nd Street.

While I do not want to discourage neighbors from pursuing a healthy lifestyle, especially during these economic times, I do have a couple of questions/concerns about keeping the chickens.  
I see that the Phillips already have a coop set up in the backyard.

First, are they planning on having a rooster? I really am concerned about that, as roosters can be noisy and crowing all day long.

How many chickens are they planning to keep? Even hens can be noisy.

Have they taken steps to keep the food secure so they do not attract rodents?

Have they planned to dispose of waste so that neighbors will not have an odor?

Thank you,  
Kathryn Calabrese  
507 2nd Street  
Baraboo

**FOR TREASURER'S USE ONLY**  
 Chicken 20200000055  
 Receipt # \_\_\_\_\_  
 Account # 100-10-44290

# APPLICATION FOR KEEPING CHICKENS

**License Applied For:**

- New \$25.00
- Renewal \$10.00

(Fees are non-refundable and due upon filing)

The undersigned requests permission to keep chickens in the City of Baraboo.

ANDREW LOMBARD

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Address of applicant: 116 SOUTH ST, Baraboo, WI 53913

Property Owner       Tenant

Zoning District: Available on City Website at [www.cityofbaraboo.com](http://www.cityofbaraboo.com). R1A  
 (Permit is only allowed in R1 or R1A Zoning Districts)

Tax parcel number of site: 206-1867-00000

Lot Size: Width (50' minimum) \_\_\_\_\_

Number of Chickens to be kept: (Cannot exceed 6.) 6

Accurate description of coop (must be covered, predator proof, provide adequate shade from summer and warmth in winter. Floor to be covered with wood or cedar chips. Coop may be part of yard shed or garage but may not be on top of a building.) Can attach photo or drawing, if preferred.

Coop size: Length 4 Width 8  
 (Must provide two to four square feet per chicken.)

Size of Run attached or surrounding the coop: 8ft x 16ft

Distance of Coop/Run to Lot lines: \_\_\_\_\_ feet to closest side lot line, \_\_\_\_\_ feet to rear lot line. (May not be closer than 10 feet to any lot line. Coop may not be placed in the front yard.)

Distance of Coop/Run to Applicant's house: \_\_\_\_\_ feet  
 (Must be closer to applicant's house than any other neighbor's house.)

Name, address, and tax parcel number of the owners of each parcel immediately touching your property line. (No application can be approved if 50% or more of the neighboring properties object.)

Name	Address	Parcel # 206-
COREY WETZEL	108 SOUTH ST	1868-00000
JUSTIN BENNIN	109 BLAKE ST	1872-00000
ZACHARY ALLEN	115 BLAKE ST	1871-00000
RICHARD MAC DONALD	408 VINE ST	1866-00000
ED WINCHELL	423 QUARRY ST	1870-00000

Name, address, and tax parcel number of the owners of each parcel immediately touching the property that also touches your property. Check the Sauk County GIS Website to verify neighbors  
<http://lrs.co.sauk.wi.us/AscentLandRecords/PropertyListing/RealEstateTaxParcel#/Search>

Put in your parcel number and click Find Now. Follow this to the next page where you will find a selection to view an Interactive Map. This should show you the Parcel Numbers of your surrounding neighbors and their information. If it is a rental property, please put the information of the Property OWNER NOT RENTER in the below space.

Name	Address	Parcel # 206-
FILEEN DELKE	402 VINE ST	1865-00000
ANN PAUL	100 SOUTH ST	1869-00000
RUSSELL HASENBALG	420 VINE ST	1873-00000

WHEREFORE, the undersigned applicant hereby states that the foregoing information and all attachments to this application are true and correct.

Rules per Code 9.10(3):

1. Roosters and crowing cockerels shall not be kept.
2. Chickens shall not be allowed inside of a residence.
3. Chickens shall be kept in the covered coop or in the fenced run at all times.
4. The slaughtering of chickens in Residential Zoning Districts is prohibited.
5. A permit can be revoked for 3 violations within 12 months, or 5 violations within 36 months.

I will pay:            On Line            by US Mail             In Person

Dated: 07/29/2020

eSigned via [www.esign.com](http://www.esign.com)  
*Andrew Lombard*  
Key: 279c845e7e6079a0001180013e4e0d

Applicant/Property Owner

APPROVERS:

Brenda Zeman

In response to Lombard application for keeping chickens

My answer would be No, I'd rather not have the chickens in our neighborhood. I have a few reasons for this.

1. He had chickens before applying for his application
2. Before his new enclosure, we had chickens in our yard multiple times.
3. Although his new enclosure is nice at the moment, it's only a matter of time before it starts to look like his neglected garage that's falling down. literally crumbling to the ground.
4. Andrew's time could be better allocated to maintaining his yard than spent on the chickens.
  - \*rarely mowed and never weed whacked
  - \*Garbage everywhere on a daily basis, which gets wind blown into my yard

I would like to say that Andrew is a good guy and I get along with him just fine. From what I have seen, he takes care of the chickens and they aren't neglected. I believe he just has more important things to worry about than his chickens.

Sincerely  
Cory Wetzel

**FOR TREASURER'S USE ONLY**  
 Chicken 20200000056  
 Receipt # \_\_\_\_\_  
 Account # 100-10-44290

# APPLICATION FOR KEEPING CHICKENS

**License Applied For:**

- New \$25.00
- Renewal \$10.00

(Fees are non-refundable and due upon filing)

The undersigned requests permission to keep chickens in the City of Baraboo.

Name: JAMES E. DYER Phone: 608-477-8185 Email: dyerfamily127@gmail.com

Address of applicant: 404 4TH STREET, Baraboo, WI 53913

Property Owner  Tenant

Zoning District: Available on City Website at [www.cityofbaraboo.com](http://www.cityofbaraboo.com). R1A  
 (Permit is only allowed in R1 or R1A Zoning Districts)

Tax parcel number of site: 206-0605-00000

Lot Size: Width (50' minimum) 66' x 66'

Number of Chickens to be kept: (Cannot exceed 6.) 6

Accurate description of coop (must be covered, predator proof, provide adequate shade from summer and warmth in winter. Floor to be covered with wood or cedar chips. Coop may be part of yard shed or garage but may not be on top of a building.) Can attach photo or drawing, if preferred.

Coop size: Length 68" Width 33"  
 (Must provide two to four square feet per chicken.)

Size of Run attached or surrounding the coop: N/A

Distance of Coop/Run to Lot lines: 30' feet to closest side lot line, 28' feet to rear lot line. (May not be closer than 10 feet to any lot line. Coop may not be placed in the front yard.)

Distance of Coop/Run to Applicant's house: 5 feet  
 (Must be closer to applicant's house than any other neighbor's house.)

Name, address, and tax parcel number of the owners of each parcel immediately touching your property line. (No application can be approved if 50% or more of the neighboring properties object.)

Name	Address	Parcel # 206-
Brandi Rae Schwartz	512 Mill Street	206-0604-00000
Debbie Lynn Hintz	408 4th Street	206-0603-00000
<i>June Jackson</i>	<i>405 3<sup>RD</sup> ST</i>	<i>206-0606-00000</i>
<i>LITTLE BLUE HOUSE LLC</i>	<i>409 3<sup>RD</sup> ST</i>	<i>206-0607-00000</i>
<i>MARY AMY BORDEN WHALET</i>	<i>414 4<sup>TH</sup> ST</i>	<i>206-0602-00000</i>

Name, address, and tax parcel number of the owners of each parcel immediately touching the property that also touches your property. Check the Sauk County GIS Website to verify neighbors  
<http://lrs.co.sauk.wi.us/AscentLandRecords/PropertyListing/RealEstateTaxParcel#/Search>

Put in your parcel number and click Find Now. Follow this to the next page where you will find a selection to view an Interactive Map. This should show you the Parcel Numbers of your surrounding neighbors and their information. If it is a rental property, please put the information of the Property OWNER NOT RENTER in the below space.

Name	Address	Parcel # 206-

WHEREFORE, the undersigned applicant hereby states that the foregoing information and all attachments to this application are true and correct.

Rules per Code 9:10(3):

1. Roosters and crowing cockerels shall not be kept.
2. Chickens shall not be allowed inside of a residence.
3. Chickens shall be kept in the covered coop or in the fenced run at all times.
4. The slaughtering of chickens in Residential Zoning Districts is prohibited.
5. A permit can be revoked for 3 violations within 12 months, or 5 violations within 36 months.

I will pay:            On Line                    by US Mail                     In Person

Dated: 08/24/2020

eSigned via SeamlessDocu.com  
*James E. Dyer*  
KAY: 270US456776007940111890126426

Applicant/Property Owner

APPROVERS:

## Zeman, Brenda

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**From:** Schwartz, Brandi [REDACTED]  
**Sent:** Friday, August 28, 2020 8:59 PM  
**To:** Zeman, Brenda  
**Subject:** Reply to Dyer Application of Keeping Chickens

**Importance:** High  
**Sensitivity:** Personal

Dear Brenda Zeman,

I am writing regarding my neighbor, James Dyer, who has applied for keeping chickens at his residence at 404 4<sup>th</sup> Street. I am **STRONGLY AGAINST** it, being that my house is close to their property line, and I do not want to hear chickens and roosters or smell chicken feces. I suffer from terrible allergies, migraines, and insomnia, among other health issues, and this would stress me out and cause my anxiety to be worse.

The excessive noise from their family has wreaked havoc on my anxiety. I have been woken up at 6:30am during the week to James chopping firewood in the winter less than 20 feet away from my bedroom. I have asked multiple times to have their children stay out of my yard and to not be screaming while they are outside playing, especially while I was working from home during the Covid isolation. I feel like their chickens may find their way into my yard as well and destroy my raised garden beds, which are near the property line between our houses.

Looking at their yard, it is small and already overcrowded with other items like sheds, a playset, and multiple raised garden beds, so I am concerned there is not enough room for their chicken coop. They sometimes store their lawn mowers partially on my property, which I told them is okay due to it being their own business and because they do not have a driveway to store them on. Their children are constantly playing in the road due to not having enough room in their own yard, so I am also concerned that the chickens would be roaming freely as well, and I am afraid either their children or the chickens will get hit by a vehicle. Any damage the chickens cause if they end up roaming free will be a liability on them, which is not something they probably thought about.

Chickens in my opinion do not belong in town. If they want the country life, they need to move to an area that can support those wants without impeding on the rights of others. I grew up in the country, and I could hear chickens a quarter of a mile away; I don't even want to think about how it will sound 30-50 feet away from my house. I moved into town to get away from that lifestyle, so please take my concerns into consideration to not allow this to go through. Thank you for your time.

Sincerely,

Brandi Schwartz  
512 Mill Street  
Baraboo, WI 53913  
[REDACTED]

previous violation shall forfeit and pay to the City not less than \$200.00 nor more than \$1,000.00, together with the costs of prosecution.

- (c) Each and every day that a violation occurs, continues and/or remains present constitutes a separate offense.
- (d) The City, in addition to the above monetary penalty(ies) and special charges may from time to time seek and obtain, and the court may order, temporary and/or permanent injunctive relief, abatement, and such other legal and/or equitable relief, remedies, judgments, and/or orders of the court against any person(s) and/or property(ies) as the court may, from time to time, deem necessary, appropriate and/or desirable to effectuate the intent of this chapter and the public good, peace, order, welfare, and/or safety.
- (e) In addition to the above penalties, relief and remedies, the Common Council may refuse to issue or not-renew any license or permit to the owner of the premises and/or the premises, after conducting a public hearing thereon.
- (f) It shall be the responsibility of the convicted person(s) to immediately abate each and every violation upon the premises property as expeditiously as possible, unless otherwise directed by the City or the court.
- (g) This chapter is cumulative in its legal affect and is not in lieu of any and all other legal and equitable remedies under City ordinances, state statutes, state administrative codes, and common law, including, but not limited to, forfeiture of the property to the City under this chapter and/or the applicable state statutes

(3) and (4) below and defined in sub. (2) (a), (b) and (c) below.

- (b) Any junk stored contrary to sub. (5) below.
- (c) Any recreational equipment stored contrary to sub. (6) below.
- (d) Any firewood used or stored contrary to sub. (7) below.

(2) DEFINITIONS. The following words, phrases and terms used in this section shall be interpreted as follows:

- (a) Disassembled, Inoperable, Junked or Wrecked Motor Vehicles, Truck Bodies, Tractors, Trailers. Motor vehicles, truck bodies, tractors or trailers in such state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the public streets or highways.
- (b) Unlicensed Motor Vehicles, Truck Bodies, Tractors or Trailers. Motor vehicles, truck bodies, tractors or trailers that do not bear lawful current license plates.
- (c) Motor Vehicles. As defined in §340.01(35), Wis. Stats.
- (d) Junk. Worn out or discarded material of little or no value including, but not limited to, household appliances or parts thereof, machinery and equipment or parts thereof, vehicles or parts thereof, tires, tools, discarded building materials, or any other unsightly debris, the accumulation of which has an adverse effect upon neighborhood or City property values, health, safety or general welfare. (2031 10/10/2000)
- (e) Recreation Equipment. Boats, canoes, boat and utility trailers, mobile homes, campers, off-highway vehicles and snowmobiles.
- (f) In the Open. Land which may be viewed from public streets or adjoining property.

**10.06 JUNK, CERTAIN VEHICLES, RECREATIONAL EQUIPMENT AND FIREWOOD.**

- (1) PUBLIC NUISANCES DECLARED. The following are hereby declared to be public nuisances wherever they may be found within the City.
  - (a) Any motor vehicle, truck body, tractor or trailer as enumerated in sub.

- (3) STORAGE OF INOPERABLE VEHICLES, ETC.
  - (a) Restricted. No person shall accumulate, store or allow any disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors or trailers in the open upon any public or private property in the City for a period exceeding 72 hours.

Start

- (b) Exceptions.
  1. Any business engaged in automotive sales or repair located in a properly zoned district may retain no more than 3 disassembled or wrecked vehicles in the open for a period not to exceed 30 days, after which such vehicles shall be removed.
  2. Junkyards licensed under §12.09 of this Code.

(4) STORAGE OF UNLICENSED VEHICLES, ETC.

- (a) Restricted. No person shall accumulate, store or allow any unlicensed motor vehicle, truck body, tractor or trailer in the open upon any public or private property in the City for a period exceeding 72 hours.
- (b) Exceptions.
  1. Any business engaged in the sale, repair or storage of such unlicensed vehicles in a properly zoned district.
  2. Garden tractors and mowers may be stored in the rear yard not less than 10 feet from any property line.

(5) STORAGE OF JUNK PROHIBITED. No person, except a junk dealer licensed under §12.09 of this Code, shall accumulate, store or allow any junk outside of any building on any public or private real estate located in the City.

(6) STORAGE OF RECREATIONAL EQUIPMENT REGULATED. No person will store any recreational equipment on any street right of way or within the front setback, including the driveway, for a period of more than 48 hours.

(7) STORAGE OF FIREWOOD.

- (a) Regulated. No person shall store firewood on any residential premises except for use on the premises. No firewood pile may be located within the front setback.
- (b) Exception. Any firewood pile located contrary to the provisions of par.(a) above on the effective date of this subsection need not be moved to a place of compliance until May 1, 1987.

(8) ISSUANCE OF CITATION; ACTION TO ABATE. Whenever a Police Officer,

Community Service Officer, or the Building Inspector shall find any such vehicle, junk, or recreational equipment, as defined in sub. (2) above, accumulated, stored, or remaining in the open upon any property within the City contrary to the provisions of subs. (3), (4), (5), or (6) above, or firewood stored contrary to sub. (7) above, he/she shall notify the owner or occupant of said party on which such vehicle, junk, recreational equipment, or firewood is located of the violation of this section. If such vehicle, junk, recreational equipment, or firewood is not permanently removed within 10 days after notice, a Police Officer shall be authorized to issue a citation to the property owner or the occupant of the lot or parcel upon which such vehicle, junk, recreational equipment, or firewood is located. An owner or occupant of a lot or parcel shall be entitled to only one ten-day notice to cure a violation of this Section occurring on a property within a calendar year and, in such case, a Police Officer shall be authorized to issue a citation to the owner or occupant of a lot or parcel immediately upon discovering any second or subsequent violation on said lot or parcel within a calendar year. Notice of a violation shall be deemed made upon mailing such notice by certified mail or by personal delivery, or by posting the notice on the property and mailing notice thereof to the owner or occupant by first class mail. Each day that a violation of this section continues shall be deemed a separate offense. In addition, action to abate such nuisance may be commenced as provided in §10.07 of this chapter. (2031 10/10/2000)

(9) RELOCATING NUISANCE PROHIBITED. No person, after receiving notification of a violation of this section pursuant to subs (8) above, shall move and store in the open such vehicle, junk, recreational equipment, or firewood upon any other property, lot, or parcel within the City. A Police Officer shall be authorized to issue a citation to the owner or the occupant of the property upon which such vehicle, junk, recreational equipment, or firewood has been relocated in violation of this section. (2031 10/10/2000)

(10) PENALTY. Any person who shall violate any of the provisions of this section or who shall permit or allow a violation of this section, shall be subject to a penalty as provided in §25.04 of this Code. (2031 10/10/2000)

**End**

**10.07 ABATEMENT OF PUBLIC NUISANCES.**

(1) ENFORCEMENT. It shall be the duty of the Chief of Police, the Fire Chief, the City Engineer, the Building Inspector, the Street

- d. The applicant cannot have any convictions for animal abuse, animal neglect or animal cruelty.
  - e. The applicant is not delinquent in the payment of any taxes, assessments or other claims owed to the City.
- (4) LICENSE CONDITIONS. The following conditions shall apply to all Animal Rescue Licenses:
- a. No more than a total of eight animals (four adult dogs and four adult cats combined) shall be owned, harbored or kept by one household.
  - b. Only one Animal Rescue License shall be allowed per household.
  - c. Each animal kept on the premises must be raised in a safe, sanitary and healthful environment and shall be properly fed and groomed at all times and all animal waste shall be disposed of in a safe and sanitary manner.
  - d. The owner of the household where such animals are harbored or kept must give his/her written consent to the granting of an exception under this subsection.
  - e. If the license holder becomes unaffiliated with the bona fide animal rescue organization listed on the application, the license holder must immediately notify the City Clerk and provide the name of the new bona fide animal rescue organization the license holder is affiliated with.
- (5) LICENSE TERM. All licenses shall expire on June 30 of every odd numbered year.
- (6) INSPECTIONS. Law enforcement officers and humane officers shall be authorized to inspect the household with reasonable notice to the owner or occupants thereof for compliance with the license conditions.
- (7) LICENSE REVOCATION. A single violation of any of the conditions contained in this ordinance, or any applicable condition contained in §12.01 of the Code, shall be sufficient grounds for revocation of the Animal Rescue License by the Common Council. For purposes of this section, a “violation” need not have resulted in a conviction so long as a law enforcement officer or humane officer is able to reasonably articulate and provide clear and convincing evidence, of which testimony may suffice, of said violation.

**Start**

**29.13 CHICKEN PERMIT.** (1854 02/17/96, 2312 07/28/09)

- (1) PERMIT REQUIRED.
- a. Chickens may be raised in the R-1, R-1A, R-2, R-3, and MH-S Residential Zoning Districts provided the owner of the premises has been issued a permit by the City Clerk. (2458 08/27/17, 2515 03/12/19)
  - b. Upon receipt of a completed permit application, other than a renewal application pursuant to Par. (3), below, the City Clerk shall notify by regular mail all property owners contiguous with the parcel proposed for the chicken coop. These property owners shall have 10 business days from the date of the letter to file with the City Clerk a written objection, signed by the objector, to the permit being issued.
  - c. If an objection is received, the City Clerk shall place the permit application on the next regularly scheduled Administrative Committee meeting agenda, where the objection will either be read into the record or the objector will have an opportunity to be heard on the objection. The Administrative Committee shall approve the permit application so long as the following are satisfied:
    - i. The basis for the objection is not reasonable, is not relevant to the facts presented, and/or the benefit to the applicant outweighs the reasons for the objection made by the objector.
    - ii. The applicant does not have a history of non-compliance with this ordinance, or, if there is a history of non-compliance, the applicant has provided sufficient proof that such non-compliance will not continue.
    - iii. The coop and run have been inspected by the humane officer or designee to ensure that they are adequate and in compliance with the requirements this ordinance.
    - iv. The applicant has no prior convictions for animal cruelty or related offenses.
    - v. The applicant is not delinquent in the payment of any taxes, assessments or other claims owed to the City, including a forfeiture resulting from a violation of any ordinance of the City.
  - d. If no objection is received, the City Clerk shall issue the permit so long as the following are satisfied:
    - i. The applicant does not have a history of non-compliance with this ordinance or, if there is a history of non-compliance, the applicant has provided sufficient proof that such non-

compliance will not continue.

- ii. The coop and run have been inspected by the City Humane officer or designee to ensure that they are adequate and in accordance with the requirements of this ordinance.
- iii. The applicant has no prior convictions for animal cruelty or similar offenses.
- iv. The applicant is not delinquent in the payment of any taxes, assessments or other claims owed to the City, including a forfeiture resulting from a violation of any Ordinance of the City.

(2) PARCEL, COOP AND RUN REQUIREMENTS.

- a. Chicken coops and runs shall not be located closer than 10 feet to any lot line and may not be located closer to a neighboring residence than to the residence located upon the coop's parcel.
- b. The lot upon which the chickens are raised shall have a minimum width of fifty feet, and contain only a single-family dwelling. In addition, all contiguous properties to the lot upon which the chickens are raised shall contain only a single-family or two-family dwelling.
- c. A zero lot line duplex is not qualified to have chickens.
- d. The chickens shall be provided with a covered coop with not less than two nor more than four square feet of area per chicken.
- e. The coop shall be constructed of sturdy, predator-proof material and shall provide adequate shade from the sun and warmth in cold weather. The floor of the coop shall be covered with wood or cedar chips and be regularly cleaned and otherwise maintained.
- f. The coop may be built as part of a yard shed or garage, but cannot be placed on top of a building.
- g. Chickens shall be provided with a run attached to or surrounding the coop. The run shall be made of strong, predator-proof wire fencing. To prevent chickens from flying out of the run, fencing shall be of sufficient height, be covered, or the chickens shall have their wings clipped.
- h. Chickens shall be kept in the covered coop or in the fenced run at all times.

(3) CHICKEN CARE REQUIREMENTS.

- a. Chickens shall not be allowed inside of a residence.
- b. Chickens may only be raised on the property of the owner, or if a tenant, with the written consent of the owner.
- c. Roosters and crowing cockerels shall not be kept.
- d. No more than six chickens may be maintained on any parcel.
- e. The slaughtering of chickens in the Residential Zoning Districts is prohibited.
- f. The standards and requirements of § 29.27 of this Code shall fully apply to the keeping of chickens.

(4) PERMIT TERM. All permits shall expire on June 30 of every odd numbered year.

(5) PERMIT RENEWAL. Current permit holders may apply for a renewal license no sooner than three months prior to the permit expiration date and no later than five days prior to the expiration date. Prior to the issuance of a renewal permit, the humane officer or designee shall inspect the coop and run to ensure continued compliance with this code; failure to be in compliance with this code at the time of inspection shall result in the renewal license not being issued and the permit holder needing to apply for a new license.

(6) REVOCATION. In the event a permit holder accumulates three violations of this ordinance within any 12-month period, or five violations within any 36-month period, or if the permit holder is convicted of an offense under Ch. 951, Wis. Stats., or any comparable statute in another jurisdiction, the permit shall be revoked 10 business days after the service of a Notice of Revocation on the permit holder by the City Clerk. Notice of Revocation is deemed served upon the day of mailing if sent by certified mail to the permit holder at the address as listed upon the application for the permit. If, during those 10 business days the permit holder files a request for an appeal with the City Clerk, the revocation will be stayed pending the outcome of the appeal. The Administrative Committee shall hear the appeal at their next regularly scheduled meeting and make a final determination on the revocation based on whether there are validated complaint(s) investigated by the Baraboo Police Department.

(7) REAPPLICATION. The denial, non-renewal or revocation of a permit shall not preclude an applicant from reapplying for a permit at any time in the future.

End

- (8) NON-TRANSFERRABLE. Permits are non-transferrable from person to person or place to place. In the event a permit holder moves, the permit holder must notify the City Clerk within 10 calendar days of said move and the permit shall be revoked by the City Clerk.
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**29.14 VICIOUS ANIMALS; LICENSE.**

- (1) VICIOUS ANIMALS PROHIBITED. No person shall own, possess, harbor, keep, maintain, sell or transfer a vicious animal contrary to the terms of this section. (2092 09/10/02)
- (2) VICIOUS ANIMAL LICENSE. Any person who may own, possess, harbor, keep, or maintain a vicious animal shall do so only after first having obtained a Vicious Animal License approved by the Chief of Police or designee and issued by the City Clerk. A Vicious Animal License will be issued subject to proof of the following:
- a. A liability insurance policy written by an insurance company licensed to do business in the State of Wisconsin, covering death and personal injury, in the amount of at least three hundred thousand dollars (\$300,000) and property damage in the amount of at least fifty thousand dollars (\$50,000). The policy shall provide notice to the City Clerk thirty (30) days in advance of any material change therein and of its termination or non-renewal.
  - b. Current vaccination for rabies.
  - c. Current animal license.
  - d. Neutering or spaying.
  - e. Permanently marking the animal a subcutaneous microchip and providing the identification information on the application for license. (2279 04/22/08)
  - f. The applicant cannot have any convictions for animal abuse, animal neglect or animal cruelty.
  - g. The applicant is not delinquent in the payment of any taxes, assessments or other claims owed to the City.
- (3) CONDITIONS OF LICENSE. A license issued pursuant to this ordinance is conditioned upon the following:
- a. Continued compliance with Par. (2), above.
  - b. The posting of signs no smaller than twenty-four inches (24") in size on each of four sides, made of metal or plastic, fluorescent yellow in color, bearing the wording, "WARNING VICIOUS ANIMAL," in English print, no smaller than three inches (3") high and also bearing the license number of each vicious animal no smaller than one inch (1") high, which signs shall be posted at each entrance to the building in which the vicious animal is kept and at each entrance through a fence, and at such location as is viewable from the public sidewalk, if any, in the vicinity of any walk or drive approaching any entrance to the building in which the vicious animal is kept.
  - c. The animal, while off the premises where kept, shall be muzzled with a no-bite type muzzle, restrained as to movement by a choke-type collar or harness and leash secured by and under the direct control and supervision of a mentally competent adult.
  - d. The animal, while on the premises where kept, shall be placed within a secured building, or within a secured fence of sufficient height and construction to maintain the animal within, which fence shall be inspected and approved by the Police Department.
  - e. If the animal dies from any cause or means, or if the animal is relocated outside of the City for any reason, the owner shall immediately inform the City Clerk and the license shall be revoked.
  - f. If the animal is relocated outside of the City, the owner of the animal consents to the Chief of Police or designee informing the Chief of Police or comparably titled employee of the municipality where the animal relocates that the animal was licensed as a vicious animal by the City; however, under no circumstances is the Chief of Police or any other employee or agent of the City obligated to provide said notice.
- (4) SELLING OR TRANSFERRING A VICIOUS ANIMAL. If a vicious animal is sold or if ownership is transferred, the owner must:
- a. Notify the person to whom the vicious animal is being sold or transferred of the fact that such is a vicious animal and of any requirements imposed upon the selling or transferring party by this Ordinance.
  - b. Notify the City Clerk in writing at least five (5) business days in advance of the sale or transfer.