

## Sec 7-1-28 Keeping of Domesticated Chickens

**(a) Purpose.**

The purpose of this section is to provide standards for the keeping of domesticated chickens. It is intended to enable residents to keep a small number of female chickens on a non-commercial basis while limiting the potential adverse impacts on the surrounding neighborhood. The Village recognizes that adverse neighborhood impacts may result from the keeping of domesticated chickens as a result of noise, odor, unsanitary animal living conditions, unsanitary waste storage and removal, the attraction of predators, rodents, insects, or parasites, and non-confined animals leaving the owner's property. This section is intended to create licensing standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.

**(b) Permit Required.**

An annual permit is required for the keeping of any domesticated chickens in zoned residential areas in the Village of Caledonia. Additionally, a building permit is required for the construction of a henhouse if the proposed construction meets Village of Caledonia requirements for a building permit. i.e. a shed. Small detached accessory structures that are less than 36 square feet, do not require a permit.

(1) The first permit year shall be *date of ordinance passing, 2009 through December 31, 2010*. Thereafter the permit year shall be January 1 through December 31. In the first permit year, no more than twenty (20) permits shall be issued. In each subsequent permit year, twenty (20) more permits may be issued in addition to new permits issued to previous permittees.

**(c) Fees.**

The fee for an annual permit to keep chickens is *twenty-five dollars (\$25.00)*.

**(d) Number and Type of Chickens Allowed.**

(a) The maximum number of chickens allowed is six (6) per lot. A clutch or part of a clutch of baby chicks may be kept for 8 weeks.

(b) Only female chickens are allowed. There is no restriction on chicken species.

**(e) Non-Commercial Use Only.**

Chickens shall be kept as pets and for personal use only; no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes. The slaughtering of chickens is prohibited.

**(f) Enclosures.**

Definitions

*Chicken Pen* shall mean a wire enclosure connected to a henhouse for the purpose of allowing chickens to leave the henhouse while remaining in an enclosed, predator safe environment.

*Henhouse* shall mean a structure for the sheltering of female chickens. An existing shed or garage can be used for this purpose if it meets the standards contained in this section, including the required distance from neighboring residences.

(1) Chickens must be kept in an enclosure or fenced area at all times. Chickens shall be secured within the henhouse during non-daylight hours.

(2) The hen house and chicken pen must be clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.

(3) The hen house and chicken pen must provide adequate ventilation and adequate sun and shade and must both be impermeable to rodents, wild birds, and predators, including dogs and cats.

(4) Henhouses.

(i.) A henhouse 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.

(a.) The structures shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator- and bird-proof wire of less than one (1) inch openings.

(b.) The materials used in making the structure shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The henhouse shall be well-maintained.

(ii.) In no case may a henhouse be placed in the front yard. A side yard may be used as long as the setbacks generally applicable in the zoning district are met

(iii.) No henhouse may be located less than **twenty five (25) feet** from any neighboring residence.

(5) Chicken Pens.

(i.) An enclosed chicken pen must be provided consisting of sturdy wire fencing. The top of the pen must be covered with wire, aviary netting, or solid roofing.

**(g) Odor and Noise Impacts.**

(1) Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.

(2) Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

**(h) Lighting.**

Only motion-activated lighting may be used to light the exterior of the henhouse.

**(i) Predators, Rodents, Insects, and Parasites.**

The property owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation shall be removed by the Animal Control Agency contracted by the Village of Caledonia (see 7-1-7a).

**(j) Feed and Water.**

Chickens must be provided with access to feed and clean water at all times; such feed and water shall be unavailable to rodents, wild birds and predators.

**(k) Waste Storage and Removal.**

Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by an enclosed structure with a roof or lid over the entire structure. All other manure not used for composting or fertilizing shall be removed. In addition, the henhouse, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

**(l) Application for permit.**

Every applicant for a permit to keep domesticated chickens shall:

(1) Complete and file an application on a form prescribed by the Legislative and Licensing Committee.

(2) Deposit the prescribed permit fee with the Village Treasurer at the time the application is filed. Any material misstatement or omission shall be grounds for denial, suspension or revocation of the permit.

- (m) Denial, suspension or revocation of permit.**  
In the event of complaints regarding a current chicken permit, the Legislative and Licensing Committee may discuss the complaint at a public hearing and take appropriate action up to, and including revocation. Any denial, revocation or suspension of a permit shall be in writing and shall include notification of the right to and procedure for appeal.
- (n) Appeal.**  
A person appealing the issuance, denial, suspension or revocation of a permit by the Legislative and Licensing Committee may appeal to the Board of Appeals within thirty (30) days of the decision being appealed.
- (o) Penalty.**  
Any person violating the provisions of this section shall be subject to a forfeiture of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00). This Section shall also permit the Village Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this Ordinance.
- (p) Removal of Chickens**  
The Health Department or Animal Control Agency may also order the removal of the chickens upon a determination that the chickens pose a health risk. If a chicken dies, it must be disposed of promptly in a sanitary manner.

**Propose one of the following changes to current ordinance 7-1-13e**

**(e) Keeping of Livestock Restricted.**

(1) Definition. 'Livestock' means cattle, equine as that term is defined in Sec. 95.481(1)(a), swine, sheep, goats, farm-raised deer and other such animals susceptible to use for commercial purposes, including ~~domesticated fowl, such as chickens,~~ turkeys, geese, ducks, guineas, ~~or other poultry.~~ For the purposes of determining the number of units of livestock allowed on a parcel each unit of livestock shall equal 1000 pounds worth of livestock which shall be calculated pursuant to s. NR 243.03(3) of the Wisconsin Administrative Code.

-Or-

**(e) Keeping of Livestock Restricted.**

(1) Definition. 'Livestock' means cattle, equine as that term is defined in Sec. 895.481(1)(a), swine, sheep, goats, farm-raised deer and other such animals susceptible to use for commercial purposes, including domesticated fowl, such as chickens, turkeys, geese, ducks, guineas, or other poultry. For the purposes of determining the number of units of livestock allowed on a parcel each unit of livestock shall equal 1000 pounds worth of livestock which shall be calculated pursuant to s. NR 243.03(3) of the Wisconsin Administrative Code.

**(2) Keeping of Livestock.**

a. Prohibition. It shall be unlawful for any person to keep any livestock within the Village unless otherwise permitted by this Code or by the Racine County Zoning Code which has been adopted by the Village pursuant to Title 16 of this Code of Ordinances.

**b. Exceptions.**

1. Agricultural Use. Livestock may be kept on any parcel zoned for agricultural use provided the area of the parcel is at least two acres. The first two acres shall contain no more than one unit of livestock. Thereafter, each additional unit of livestock shall require one additional acre of land unless otherwise allowed by the zoning code or conditional use permit.

2. Residential Use. Livestock may be kept on any parcel zoned for residential use provided the area of the parcel is at least five acres and the livestock is housed more than 150 feet from every residence not on that parcel. The first two acres shall contain no more than one unit of livestock. Thereafter, each additional unit of livestock shall require one additional acre of land unless otherwise allowed by conditional use permit.

**(a) Exceptions.**

**Female chickens are permitted as outlined in this Code of Ordinances (7-1-28).**

3. Pre-existing Uses. Livestock legally kept on a parcel prior to the adoption of this ordinance shall be allowed to remain on the parcel notwithstanding a violation of this section provided that the livestock is not determined by the Village Board to be a nuisance following a hearing on the matter if one is requested in writing by a neighbor residing on a parcel within 300 feet of the parcel where the livestock is kept.



## **Notes regarding proposed changes and additions to Ordinance Title 7, Chapter 1**

### Document 1: Keeping of Domesticated Chickens

- ❖ In writing this document, we tried to stay consistent with the format and language of the current ordinances. Section numbers are used as an example and we assume would be modified if this proposal were approved.
- ❖ Section b. Permit Required. The end of this section, in blue print, was based on the suggestion that the ordinance is tried for one year and/or the number of permits issued annually is limited. Other items in blue print are only suggestions based on similar ordinances in other cities.
- ❖ There was considerable discussion at the January 28 meeting regarding obtaining neighbor approval for keeping chickens. After further research we recommend keeping language of this sort out of the ordinance. The city attorney in South Portland, ME (where an ordinance was passed in Fall, '07) stated that putting language like that in the ordinance may be unconstitutional as it involves individual's property rights.
- ❖ Many parts of this document were taken from the approved ordinance in South Portland, ME, a city of similar size to Caledonia. We thought it addressed many of the issues and concerns that have been raised. This is just one example of how this ordinance can be designed.