

## Chapter 194. Animals

### § 194-20.1. Raising of backyard chickens.

[Added 9-12-2017]

- A. In residential zoning classes other than R-4, each residential household shall be permitted to keep and maintain up to four chickens. The keeping of chickens in any nonresidential district will only be allowed when the permittee obtains a conditional use permit through the Plan Commission and approved by the Village Board.
- B. Properties with multiple rental units (such as apartments) are allowed only one permit per property owner.
- C. Keeping of roosters is prohibited.
- D. Slaughter of chickens is prohibited on site.
- E. Chickens are not allowed to be kept or maintained upon the following:
  - (1) Mobile home parks.
  - (2) Vacant lots unless the person requesting the permit resides on the abutting property.
- F. Coop Design.
  - (1) All chickens shall be kept and maintained within a ventilated and roofed coop which is vermin- and predator-resistant at all times.
  - (2) Coops cannot be attached to a residence or any other unrelated structure.
  - (3) All coops, including an attached coop enclosure, shall be enclosed with wire netting or equivalent material that will prevent chickens from escaping the coop or the attached enclosure and prevent predators from entering.
  - (4) The coop shall allow at least three square feet per chicken, and the attached enclosure shall allow at least five square feet per chicken.
  - (5) The coop and attached enclosure shall not exceed 64 total square feet.
  - (6) The coop and attached enclosure shall not exceed eight linear feet in height.
  - (7) The coop and attached enclosure location.
    - (a) The coop and enclosure shall not be placed closer to the front lot line than the principal structure.
    - (b) The coop and enclosure shall not be placed inside the front setback per Village Ordinance, Chapter **590**, Zoning.
    - (c) The coop and enclosure must be at least 25 feet from any residential structure on an abutting lot.

- (d) The coop and enclosure must be at least 10 feet from abutting lot lines, unless the permittee also owns the abutting property.
- (e) On a vacant lot, the coop and enclosure must not be placed within the minimum front setback per Village Ordinance, Chapter **590**, Zoning.
- (8) The location of the coop and coop enclosure must be in compliance with all zoning code requirements and enclosed to ensure fowl are confined to the permittee's property.
- (9) The coop and attached enclosure shall be built and kept to the minimum standards for public health, safety, and welfare, as defined in Village Ordinance, Chapter **404**, Property Maintenance.
- (10) Temporary and/or movable devices and structures, including chicken tractors, shall be permitted.

G. Sanitation.

- (1) Chickens shall not be permitted inside a residential premises or dwelling.
- (2) Chicken feed shall be stored and kept in containers which make the feed unavailable to rodents, vermin, wild birds, and predators.
- (3) All coops and backyards where chickens are kept or maintained shall be reasonably free from substances, including but not limited to chicken manure, such that it does not cause the air or environment to become noxious or offensive or to be in such condition as to promote the breeding of flies, mosquitoes, or other insects, or to provide a habitat, breeding or feeding place for rodents or other animals, or otherwise be injurious to public health.

H. Public nuisance.

- (1) 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.
- (2) Unusual illness or death of chickens must be reported to the Marathon County Health Department.
- (3) No person shall allow chickens to provide noise loud enough to annoy or disturb the comfort, health, peace, or repose of reasonable persons of ordinary sensibilities, and it is hereby declared a nuisance and shall be unlawful for any person to allow such nuisance to exist.

I. Permit required.

- (1) No owner or tenant shall own, keep, or maintain chickens within the limits of the Village without first obtaining a permit.
- (2) Items required on permit application:
  - (a) Property owner's signature.
  - (b) Site plan.
  - (c) Number of chickens.
  - (d) Certification of notice to abutting property owners.
- (3) Upon applying for an original permit, the applicant must notify all abutting property owners of his or her intention to keep and maintain chickens prior to applying for a permit, and the permit application must certify that all such property owners have been notified. A list of all property owners and their addresses must be included with the permit application. No permit to keep and maintain chickens shall be issued unless all requirements are met.

- (4) The permit year shall commence on January 1, and shall end on the following December 31, and shall be renewed annually.

J. Fees.

- (1) The annual fee, per the current fee schedule, for keeping and maintaining up to four chickens shall be paid to the Village Clerk at the time of application. This fee shall not be prorated.
- (2) The annual permit renewal fee, per the current fee schedule, is payable to the Village Clerk no later than January 31. Upon payment of the annual fee, a one-year renewal permit is granted, provided there have been no permit violations in the previous permit year.
- (3) Should the owner or tenant fail to obtain a license by January 31 of each year or within 30 days of acquiring ownership of any chickens, a late fee of \$30 shall be charged in addition to the required license fee.

K. Wisconsin Livestock Premises Registration Act.

- (1) The applicant must register his or her premises in accordance with the Wisconsin Livestock Premises Registration Act. Proof of registration must be provided upon application of permit.

L. Revocation of permit.

- (1) A permit may be revoked by the Village Clerk or his or her designee at the request of the Building Inspector, Fire Inspector, Fire Chief, Police Chief, or any of their designees for the following reasons:
  - (a) Failure to comply with any of the provisions of this Code.
  - (b) Where the keeping of chickens is determined to create a nuisance as defined in Subsection **G(3)** of this section.
  - (c) Where it is determined that the keeping of chickens is detrimental to the life or health of an abutting or adjacent property owner. A written physician's report of a medical condition is proof that it would be detrimental.
- (2) If the Village receives two or more complaints within a one-hundred-eighty-day period or three or more total complaints within a calendar year period in regards to violations of this code, the Village will revoke any existing permit, provided the complaints are founded and established by the Village officers defined by Subsection **K(1)**.
- (3) Any applicant whose permit application has been denied or revoked under the provisions of this section shall have the right to appeal said denial.
- (4) Any permit holder who has his or her permit revoked must, within 48 hours, properly remove the chickens and coop and enclosure from such property.

M. Violations and Penalties.

- (1) Any person who shall violate any provision of this section and any rules and regulations adopted hereunder shall be subject to the penalties as provided in § 1-5 of this Code.