

ORDINANCE NO. 08-2020

**ORDINANCE TO CREATE ARTICLE IV IN CHAPTER 10- ANIMALS
REGARDING THE KEEPING OF DOMESTICATED CHICKENS
THE MUNICIPAL CODE, VILLAGE OF NORTH PRAIRIE, WI**

WHEREAS, the Plan Commission was asked to consider the requirements for a permit for the keeping of domesticated chickens on single-family residential properties in the Village upon the request of several residents; and

WHEREAS, after multiple Plan Commission discussions and listening to suggestions of Village residents, the Plan Commission is recommending to the Village Board to approve the keeping of domesticated chickens on certain single-family residential properties; and

WHEREAS, the matter was the subject of discussion held before the Village Board on September 10, 2020.

NOW THEREFORE, the Village Board of the Village of North Prairie, Waukesha County, Wisconsin, do ordain as follows:

SECTION ONE: CHAPTER 10 of the Village of North Prairie Municipal Code, entitled "Animals," Article IV entitled "Keeping of Domesticated Chickens" is hereby created as follows.

ARTICLE IV. KEEPING OF DOMESTICATED CHICKENS

Sec. 10-80. - Keeping of Domesticated Chickens.

- (a) Purpose. This section is intended to establish a process and the recommended threshold conditions under which small scale keeping of domestic chickens for personal use and enjoyment on residentially zoned lots at least one-quarter (1/4) acre in size may be considered for approval through the issuance of a chicken keeping permit.
- (b) Definitions. All terms used herein shall have the meaning described below:

Domestic(ated) Chicken(s) means Gallus domesticus.

Residentially Zoned Lot means a lot in the R-1 Single-Family Residential District or in the R-2 Central Residential District.

Rooster. A rooster shall mean a male chicken that is six (6) months old or older.

- (c) Regulations. Keeping domesticated chickens may be permitted on a residentially zoned lot on a non-commercial basis and subject to the following conditions:
- a. The minimum lot size required in order to be considered for a permit to keep domesticated chickens shall be one-quarter (1/4 or 0.25) acre. Up to a maximum of four (4) domesticated chickens may be permitted on residentially zoned lots of one-quarter (1/4 or 0.25) acre in area to 1 acre; and up to a maximum of six (6) domesticated chickens may be permitted on residentially zoned lots over 1 acre in area.
 - b. A hen house, a pen, and nesting boxes, are all required, as follows. The minimum size requirements for a hen house is not less than three (3) cubic feet of space per bird and the hen house must connect to a secure and fully ventilated pen which contains not less than seven cubic feet of space per bird and an appropriately sized nesting box shall be provided at the rate of not less than one box per every two birds. Pens shall be the properly sized as will permit full spread of the kept bird's wingspan and allow the bird(s) to walk/run;
 - c. No person shall keep a rooster or a crowing hen;
 - d. No chickens may be kept within a principal residence or garage;
 - e. Chicken keeping shall be conducted only by the owner occupant (or a tenant with the property owners express written consent for the use) of a property zoned and used for single family detached residential purposes only. No chicken may be kept at mobile homes, condominiums, apartment complexes, duplexes, or any other multiple-family property;
 - f. No person shall keep chickens in any location on the property other than in the back yard;
 - g. Hen houses and chicken pens shall not be located closer than 75 feet from the ordinary high water mark of any lake, river, or stream;
 - h. If a chicken dies, it must be disposed of promptly in a sanitary manner;
 - i. Chickens shall be kept and handled in a sanitary manner;
 - j. Chickens shall be kept as pets and for personal use only. No owner shall engage in chicken breeding or fertilizer production for commercial purposes including, but not limited to, farmer's markets;
 - k. The slaughtering of chickens is prohibited;
 - l. Chickens must be kept in a hen house and chicken pen at all times when not being monitored by a responsible individual, over 18 years of age and able to immediately return the hens to the chicken pen or hen house if necessary. Chickens shall always be secured within the hen house during non-daylight hours;
 - m. All structures and enclosures related to the keeping of chickens must be at least 50 feet from a neighboring principal residence, at least five feet from the side and rear property lines, and at least five feet from the residence upon the property where the chickens are kept;
 - n. Noise from chickens may not be loud enough at the property boundaries to disturb a person of ordinary sensitivity;
 - o. The hen house shall be properly designed and laid-out on/over a hard surface and maintained as will provide safe and healthy living conditions for the chickens, and the pen shall be properly designed and laid out over a stable and vegetated, stone, gravel or similar pervious base, all while minimizing adverse impacts to other residents in the neighborhood through use of materials, colors, architecture and spatial site layout that are complimentary to the existing buildings on the premises and the surrounding area;
 - p. Enclosures must be cleaned not less than twice weekly, kept dry and in a neat and sanitary condition at all times, and exist in a manner that will not disturb the use or

- enjoyment of neighboring lots due to noise, odor, or other adverse impact;
- q. The hen house shall be enclosed on all sides and 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 or fence of no more than one-inch openings;
 - r. All enclosures for the keeping of chickens must provide adequate ventilation as well as sun protection, and be sanitary, insulated, weatherproof and impermeable to rodents, wild birds, and predators, including dogs and cats and similar. It must also be structurally sound, moisture-proof and maintained in good repair with sufficient space for freedom of movement and retention of body heat with elevated perches for natural roosting position. The nesting boxes must be elevated off the ground;
 - s. Any proposed lighting attendant to the chicken keeping use shall be presented by specific request in the application, for consideration, and is prohibited unless specific approval is granted;
 - t. Provisions must be made for the routine regular removal and lawful disposal of chicken manure in order to prevent any adverse effects related to odor or unsanitary conditions;
 - u. Any person applying for a chicken keeping permit, shall provide evidence of proper Livestock Premises Registration with the State of Wisconsin as an exhibit to be included with the chicken keeping permit document prior to issuance;
 - v. Approved chicken keeping accessory structures and related fencing/enclosures may require the issuance of a building permit(s), electric permit(s) and similar. It is the applicant's responsibility to secure any required permits prior to the start of any construction or installation.
 - w. A hen house, secure pen and/or nesting boxes will not generally be included in or counted against the maximum permitted square footage or overall quantity of accessory storage buildings permitted on a property.
 - x. At such time as this Ordinance becomes effective, the fee rate for a chicken keeping permit in the Village of North Prairie shall be listed on the current Fee Schedule, which fee may be modified from time to time thereafter at the discretion of the Village Board.
- (d) Accompanying Plans. Any request for a chicken keeping permit must be accompanied by site and architectural plans presented in such detail as may be required by the Village Staff in order to make a fully informed evaluation of the request and demonstrating compliance with the aforementioned design, placement and management requirements. Permit applications not meeting the aforementioned requirements shall not be issued.
- (e) Permit Procedure. The permit process requires a complete application submitted to the Village Clerk accompanied with the non-refundable permit application fee in an amount established by the Village Board from time to time by separate Resolution. The Village Clerk shall review the application for compliance with all requirements of this subsection and may approve, conditionally approve or deny the application, and may engage other Village staff to assist in the review as necessary. The Village Clerk shall approve the application only upon finding that these standards are met: a. Appropriate in the location proposed; b. Compatible with the neighborhood; c. Not detrimental to the property values of surrounding property; and d. In keeping with the residential character and quality of the Village. The reasons for any denial shall be clearly stated.
- (f) Appeal. The applicant for a permit may appeal the denial of a permit to the Village Planning Commission by submitting an appeal request to the Village Clerk's office not less

than 30 days after the denial, and payment of the appeal fee in an amount established by the Village Board from time to time by separate Resolution. The Plan Commission shall review the application for compliance with all requirements of this subsection and may approve, conditionally approve or deny the application. The Plan Commission shall approve the application only upon finding that these standards are met: a. Appropriate in the location proposed; b. Compatible with the neighborhood; c. Not detrimental to the property values of surrounding property; and d. In keeping with the residential character and quality of the Village. The reasons for any denial shall be clearly stated in the meeting minutes.

(g) Village Inspection and Enforcement.

- a. Persons applying for and receiving a permit for the keeping of chickens thereby consent to the entry of Village staff and Village agents onto the subject property at all reasonable times, to inspect and investigate the property, the coop and yard, and the chickens for the purposes of determining compliance and for enforcement of this subsection.
- b. Inspection fees and reinspection fees may be charged to the property owner, pursuant to the fee scheduled adopted by the Village from time to time.
- c. Costs the Village may incur in inspection, investigation, testing, quarantine, isolation, vaccination, humane euthanasia, or otherwise arising from the subject property owner's keeping of chickens, may be charged to the property owner, and such charges that remain unpaid within the time allowed may be imposed on the tax bill for the subject property as a special charge, pursuant to Wisconsin Statutes Section 66.0627.

(h) Effect of Permit. The permit shall allow the applicant to keep chickens on the subject property in compliance with this subsection and any conditions imposed. A new permit is not required for the applicant to raise new or replacement chickens on the property, provided that the total shall not exceed the applicable number of chickens allowed. The permit shall lapse automatically if no chicken is kept on the property for any consecutive twelve (12) month period. The permit is not transferable from the applicant to any other person, and does not run with the land to a new owner of the property.

(i) Revocation. A permit is subject to revocation by the Village Board with recommendation of the Village Clerk upon the failure to comply with any provisions of this subsection. The applicant shall be provided notice of the Village Board meeting at which revocation may be acted upon, and shall be given an opportunity to be heard. Once a permit is revoked, a permit shall not be reissued to the applicant or for the property where the applicant resides.

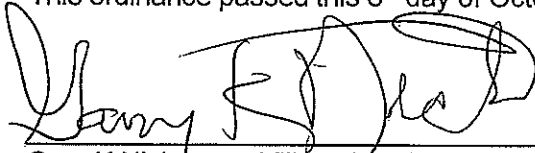
(j) Removal. The chickens shall be immediately removed from the property upon lapse, revocation or the expiration of the permit for any chicken keeping, or if a pre-existing keeping of chickens does not receive a permit after notification, or if chickens exist on properties not eligible for the keeping of chickens pursuant to the provisions of this subsection.

SECTION TWO: SEVERABILITY

The several sections of this ordinance shall be considered severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, section or portion thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.


SECTION THREE: This ordinance shall take effect immediately upon passage and publication as required by law.

This ordinance passed this 8th day of October, 2020.



Gary K Nickerson, Village President

Attest:



Rhoda M Bagley, Village Clerk

Village of North Prairie
130 N Harrison Street
North Prairie, WI 53153
(262) 392-2271 Phone
(262) 392-2936 Fax

Fee: \$20 Annual

Date: _____

Receipt # _____

APPLICATION FOR KEEPING CHICKENS

Fees are non-refundable and due upon filing.

Date of Application: _____

The undersigned requests permission to keep chickens in the Village of North Prairie.

1. Name of Applicant: _____

2. Address of Applicant: _____
_____ Property Owner _____ Tenant

Phone number of applicant: _____

3. Zoning District: Available on Village Website at www.northprairie.net _____
(Permit is only allowed in R1 and R2 Zoning Districts.)

4. Tax Parcel Number: NPV _____

5. Number of Chickens to be kept: _____

a. Parcel .25 acre to 1 acre - Cannot exceed 4

b. Parcel over 1 acre – Cannot exceed 6

6. Accurate description of coop. Coop may be part of unattached yard shed or garage provided setback requirements are met but may not be on top of a building. Can attach photo or drawing, if preferred. Lighting attendant to chicken keeping is prohibited unless specifically requested and specific approval for lighting is granted.

7. Coop Size: Length _____ Width _____

8. Size of Run attached or surrounding the coop: _____

9. Distance of Coop/Run to lot lines: _____ feet to closest side lot line,

_____ feet to rear lot line. (May not be closer than 15 feet to any lot line unless neighborhood approval is received. Coop may not be placed in the front yard.)

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

Rules per Ordinance No. 08-2020:

1. Roosters shall not be kept.
2. Chickens shall be kept in the covered coop or in the fenced run at all times.
3. The outdoor slaughtering of chickens in Residential Zoning Districts is prohibited.
4. A permit can be revoked for 3 violations within 12 months.
5. Livestock Premises Registration with the State of Wisconsin is required prior to permit issuance.

Dated: _____
_____ Applicant signature

TO BE COMPLETED IF APPLICANT IS NOT THE OWNER OF THE PROPERTY:

I am the property owner of the address listed on this application and hereby consent permission to my tenant to keep chickens on my property.

Dated: _____
_____ Property Owner