

ORDINANCE NO. _____

AN ORDINANCE TO CREATE CHAPTER 27 OF TITLE 5 OF THE TOWN OF LAKE MILLS MUNICIPAL CODE RELATED TO KEEPING OF CHICKENS IN THE TOWN OF LAKE MILLS

WHEREAS, the Town has received citizen requests to allow chickens to be kept on residential property in the Town of Lake Mills; and

WHEREAS, keeping of chickens in residential districts is allowed in many communities throughout the State of Wisconsin and throughout the nation; and

WHEREAS, keeping of chickens can be a benefit to the health and welfare of Town residents, by producing eggs, a source of sustainable, healthy food; and

WHEREAS, properly maintained and regulated, chickens should not cause adverse impacts on surrounding properties due to noise, odor, or other adverse effects; and

WHEREAS, subject to the terms and conditions described herein, the Town Board for the Town of Lake Mills intends to allow for the keeping of chickens on a trial basis; and

WHEREAS, subject to the Terms and conditions described herein, the Town Board for the Town of Lake Mills intends to allow for and to create regulations for keeping chickens within the R-1 and R-12 residential zoning areas in the Town of Lake Mills.

NOW, THEREFORE, the Town Board of the Town of Lake Mills, Jefferson County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 5 entitled "Public Ways and Property" of the Town of Lake Mills Municipal Code; Section 5-27 entitled "Keeping of Chickens" is hereby created as follows:

Contents

5-27-1 Purpose:

5-27-2 Keeping of Chickens:

5-27-3 Abatement:

5-27-4 Cost of Abatement

5-27-5 Compliance Procedures:.....

5-27-1 PURPOSE: To create regulations for the keeping of chickens within the following zoning districts: R1 and R2 residential zoning areas in the Town of Lake Mills.

5-27-2 Keeping of Chickens.

(a) Definitions. For purposes of this subsection, the following definitions shall apply.

- i. Chicken. A chicken shall mean the common domestic fowl of the subspecies gallus domesticus. This does not include other birds or domestic fowl such as ducks, geese, turkeys, guinea hens, or other fowl.
- ii. Enclosure. The enclosure is all coops, yards and runs provided for the keeping of chickens.
- iii. Rooster. A male chicken that is six months old or older.

(b) Keeping of Chickens Allowed. The keeping of up to 4 chickens, is allowed on a premise zoned R1 or R2, excluding properties with a duplex or multifamily dwelling, subject to the following:

- i. No person shall keep any rooster.
- ii. The keeping of turkey, ducks, geese, guinea hens or other fowl is prohibited
- iii. No person shall slaughter any chickens except within a building.
- iv. Chickens shall be provided with fresh water at all times and adequate amounts of feed.
- v. Chickens shall be provided with a sanitary and adequately-sized covered enclosure. Runs shall be at least 10 square feet per chicken.
- vi. Chicken coops shall be at least 3 square feet in size per chicken and shall be constructed in a workmanlike manner, be moisture- resistant and either raised up off the ground or placed on a hard surface such as concrete, patio block or gravel.
- vii. Chicken coops and yards shall be constructed and maintained to reasonably prevent the collection of standing water, and shall be cleaned of hen droppings, uneaten feed, feathers and other waste daily and as is necessary to ensure that the coop and yard do not become a health, odor or other nuisance, as identified in Section 3-1, Public Nuisances, of the Town Code.
- viii. The enclosure shall be located in compliance with all of the following, and in the event of conflicting requirements the more restrictive shall apply:

5. The nearest point of the enclosure must be at least 17.5 feet away from any residential lot line;
 6. The enclosure, and all parts of the enclosure, are prohibited in any front yard;
 7. The enclosure, and all parts of the enclosure, are prohibited in any side yard;
 8. The enclosure can only be located in a rear yard, but no enclosure, and no part of the enclosure, can be closer to a side lot line than the closest distance between that lot line and the principal structure on the lot;
- ix. In addition to compliance with the requirements of this section, no one shall keep chickens that cause any nuisance, unhealthy condition, create a public health threat or otherwise interfere with the normal use of property or enjoyment of life by humans or animals.
 - x. Nothing herein shall be interpreted to authorize the conduct of a business or commercial use on a residential property. No sales of eggs, chicks, or chickens, shall be made from a residential property unless specifically permitted pursuant to applicable zoning regulations.
 - xi. Costs that the Town 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.
 - xii. Open flames shall not be used in either the chicken coop or run.
 - xiii. Any electrical work in the coop or run shall require an electrical permit issued by the Town Building Inspector.
 - xiv. Applicant shall be solely responsible for knowing private homeowner's association covenants and/or deed restrictions applicable to the premises for which a permit is being requested. The Town assumes no responsibility to enforce any such restrictions.

(c) Public Health Requirements.

- i. Chickens shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds or to humans.

- ii. Any person keeping chickens shall immediately report any unusual illness or death of chickens to Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP).
- iii. Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). or its agents may order testing, quarantine, isolation, vaccination or humane euthanasia of ill chickens or chickens believed to be carriers of a communicable disease.
- iv. A livestock premises registration with Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). is required to keep and house chickens.

5-27-3 Abatement. Abatement of public nuisances relating to the regulation of keeping chickens will be assessed according to Section 3-1-5 of the Town Ordinance Public Nuisances.

5-27-4 Cost of Abatement. Cost of abatement shall be assessed according to section 3-1-6 of Town Ordinance Public Nuisances.

5-27-5 Compliance Procedures: The following compliance procedures shall be applied to the keeping of chickens. Upon determination by the Town of Lake Mills Police Department that the owner has violated any provision of this ordinance, the owner shall be issued one written warning of the violation. Upon determination by the Town of Lake Mills Police Department that the owner has violated any provision of this ordinance a second time, the Town of Lake Mills Police Department shall revoke the privilege of the keeping of chickens on the subject property and shall order the chickens be removed; in which case the owner shall, within thirty (30) days, remove all chickens, chicken coop(s) and fencing.

5-27-6 Enforcement and Penalties

(a) The Town of Lake Mills Police Department is authorized to enforce the provisions of this ordinance.

(b) If after thirty (30) days the owner has not complied to the removal order issued per section 5-27-5 of this ordinance the owner shall forfeit ten dollars (\$10) per day plus the cost of prosecution until all chickens, chicken coop(s) and fencing are removed from the property.

SECTION 2: Severability. The several sections of this ordinance are declared to be 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, sections or portions 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 3: Effective Date. This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this ____ day of _____, 20____.

TOWN OF LAKE MILLS

Thomas Buechel, Town Chairperson

David Schroeder, Supervisor I

James Heinz, Supervisor II

ATTEST:

Robin Untz, Town Clerk

Published and/or posted this ____ day of _____, 2023.