

**ORDINANCE 2025-005**

**AN ORDINANCE AMENDING THE ZONING CODE OF THE TOWN OF CLAYTON REGARDING KEEPING OF BACKYARD CHICKENS**

WHEREAS, The Town of Clayton, County of Winnebago has an existing Zoning Code of Ordinances, CHAPTER 9, regulating the keeping of backyard chickens; and

WHEREAS, The Plan Commission for the Town of Clayton, County of Winnebago has reviewed the Town's Zoning Code of Ordinances, CHAPTER 9, regulating the keeping of backyard chickens in the Town of Clayton; and

WHEREAS, The Plan Commission for the Town of Clayton, County of Winnebago has recommended that the Town's Zoning Code of Ordinances, CHAPTER 9, regulating the keeping of backyard chickens in the Town of Clayton be amended; and

WHEREAS, The Plan Commission for the Town of Clayton, County of Winnebago has prepared and recommended certain amendments to the Town's Zoning Code of Ordinances, CHAPTER 9, regulating the keeping of backyard chickens in the Town of Clayton (see Section 1 through 7 of this ordinance); and

WHEREAS, concurrent with the approval of this ordinance, the Plan Commission is approving a separate ordinance regulating to the keeping of backyard chickens (attached hereto as Attachment 1) which shall add to, and does not conflict, with the backyard chicken regulations found in the Town's Zoning Code of Ordinances, CHAPTER 9, as amended hereby, and

WHEREAS, The Plan Commission for the Town of Clayton has reviewed, and held a Public Hearing on the keeping of backyard chickens regulations and the Town Board for the Town of Clayton held two readings of the Town's revised Zoning Code of Ordinances, CHAPTER 9, regulating the keeping of backyard chickens; and

NOW THEREFORE BE IT ORDAINED that the Town Board of the Town of Clayton, Winnebago County, does hereby approve the amendments to the Town's Zoning Code of Ordinances, CHAPTER 9, regulating the keeping of backyard chickens in the Town of Clayton, and does hereby direct staff to submit the approved amendments to the Town's Zoning Code of Ordinances, CHAPTER 9, regulating the keeping of backyard chickens for its approval.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Russell D. Geise, Town Chair

Attest: \_\_\_\_\_  
Kelsey Faust-Kubale, Clerk

**Section 1.** That Chapter 9, Zoning, §9.03-01 General definitions, is hereby amended to read as follows:

**(3) Administrative chicken keeping permit.** A permit issued by the town clerk or their designee authorizing the non-commercial keeping of chickens.

**Section 2.** The information contained in line 17.04 of the most current version of the Land Use Matrix, Exhibit 8-2, is hereby amended to read as follows:

17.04 Backyard chickens	ZP (16)	9.08-444	P	P	P	P	P	P	-	-	-	-	-	-	-
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Further, footnote 16 of that same Land Use Matrix, Exhibit 8-2, is hereby amended to read as follows:

16. An administrative chicken keeping permit is not required in the A-1 agribusiness district and those A-2 general agriculture district lands of 5 or more acres where it is a permitted use. All other allowed lands require an administrative chicken keeping permit.

**Section 3.** That Chapter 9, Zoning, §9.08-444 Backyard Chickens, is hereby amended to read as follows:

**9.08-444 Backyard chickens**

Zone	Ability to Keep Chickens Under this Section	
	Smaller than 5 Acres	5 Acres or Larger
<b>Agriculture</b> (A-1, A-2)	<b>A-1</b> – Permitted, no permit required <b>A-2</b> – Permit required	Permitted, no permit required
<b>Residential</b> (R-1, R-2, R-3, R-4, R-8)	<b>R-1, R-2, R-3, R-4</b> – Permit required <b>R-8</b> – Prohibited	<b>R-1, R-2, R-3, R-4</b> – Permit required <b>R-8</b> – Prohibited
<b>Public Institutional</b> (P-1)	Prohibited	Prohibited
<b>Business</b> (B-1, B-2, B-3)	Prohibited	Prohibited
<b>Mixed-Use</b> (M-1)	Prohibited	Prohibited

<b>Industrial</b> (I-1, I-2)	Prohibited	Prohibited
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**(a) Compliance with Ordinance.** The keeping of backyard chickens shall comply with the Town of Clayton's ordinance for keeping backyard chickens.

**Section 4.** Any person violating the provisions of this Ordinance shall be subject to the penalty provided in Chapter 9, Article 14 of the Code.

**Section 5.** The appropriate Town officials are hereby authorized and directed to take such action as is necessary to effectuate the terms of this Ordinance.

**Section 6.** All other ordinances and resolutions inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 7.** This Ordinance shall take effect and be in force upon its passage and publication as provided by law

ATTACHMENT 1

[Chicken Keeping ordinance to be attached hereto]