

**TOWN OF CLAYTON, COUNTY OF WINNEBAGO, STATE OF WISCONSIN
ORDINANCE 2025-007**

**AN ORDINANCE CREATING THE TOWN OF CLAYTON CODE OF ORDINANCES
RELATING TO THE KEEPING OF BACKYARD CHICKENS**

The Town Board of the Town of Clayton does ordain as follows:

- SECTION 1 – Permissibility by Zoning District**
- SECTION 2 – Definitions**
- SECTION 3 – Chicken Keeping Requirements**
- SECTION 4 – Permit**
- SECTION 5 – Structural Standards**
- SECTION 6 – Enforcement**

Section 1. Permissibility by Zoning District

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

Section 2. Definitions

2.1 As used in this section, the following terms shall have the meanings described below:

Chicken. A hen or pullet (female) or rooster (male).

Chicken tractor. A movable chicken coop lacking a floor.

Hen. Shall mean a female chicken (hen or pullet)

Henhouse/Coop. Shall refer collectively to any structure where female chickens are kept.

Rooster. A male chicken.

Permit. Refers to an administrative chicken keeping permit.

Section 3. Chicken Keeping Standards

3.1 In zones where a permit is required:

3.1.1 **Number.** A total of no more than 6 hens per lot shall be allowed. One henhouse shall be permitted per lot.

3.1.2 **Roosters.** The keeping of roosters is prohibited.

3.1.3 **Slaughter of chickens.** The slaughter of chickens is prohibited, though exceptions may be made for humane reasons of injury or disease at the Plan Commission's discretion.

3.1.4 **Commercial Use.** The propagation of chickens for commercial purposes or for any activity or purpose not related to the personal purpose of the permit holder shall be prohibited.

3.1.5 **Non-Daylight Hours.** Hens must be secured within a henhouse during non-daylight hours.

3.1.6 **Roaming.** Hens may not roam free outside of a henhouse or enclosed run, or roam off of the permitted property (this requirement also applies to nonfarm residence in the A-1 agribusiness zoning district).

3.2 **Sanitation.** Coops and chicken runs shall be cleaned of hen droppings, uneaten feed, feathers and other waste as necessary to ensure the birds health and minimize odor and other nuisances. Feed shall be stored in containers which make the feed inaccessible to rodents, vermin, wild birds and predators.

3.3 **Dangerous Animals.** No dog or cat or other domesticated animal that may kill a hen will, for that reason alone, be considered a dangerous or aggressive animal.

Section 4. Discontinued Use.

4.1 Any henhouse or enclosed run that has not been used for the keeping of chickens for a period of at least twelve (12) months shall be considered abandoned and removed from the premises by the property owner. Modification of an abandoned henhouse or run for some other use shall not be permitted.

Section 5. Permit

- 5.1 Unless otherwise exempted, a permit, issued pursuant to Section 4 of this Ordinance, is required for the non-commercial keeping of hens and the establishment of a henhouse for all districts where such use is allowed.
- 5.2 **Initiation.** A permit application may be submitted by the owner(s) of the property for which a permit is being sought, so long as the applicant also resides on that property.
- 5.3 **Application.** Permit applications shall include:
 - 5.3.1 Proof of registration with the Wisconsin Department of Agriculture, Trade and Consumer Protection pursuant to Section 95.51, Wis. Stats.
 - 5.3.2 A diagram describing the location of the henhouse in relationship to lot boundaries as required by Article 7, Chapter 9, Division 13, of the Code.
- 5.4 **Review.** The Town Clerk or their designee shall review the application documents with staff to confirm their adequacy and completion before issuing the permit.
- 5.5 **Fees.** Permit fees shall be paid in accordance with the fee schedule set by resolution of the Town Board of Supervisors.
- 5.6 **Expiration.** A permit shall expire at such time as the permittee no longer maintains chickens at the permitted address.
- 5.7 **Revocation.** A permit may be revoked by the Town Clerk or their designee at the request of the Building Inspector, Fire Inspector, Fire Chief, Police Chief, Town Administrator, or any of their designees, for the following reasons:
 - 5.7.1 Failure to comply with any of the provisions of this section of the Code.
 - 5.7.2 The keeping of chickens is determined to create a nuisance as defined by Chapter 218 of the Code.
 - 5.7.3 It is determined that the keeping of chickens is detrimental to the life or health of an adjacent property owner. A written physician's report of a medical condition may serve as proof of such detriment.
- 5.8 **Reissuance.** Once a permit is revoked, another permit shall not be reissued on the same lot for a period of one year following revocation.
- 5.9 **Removal.** Once a permit is revoked, unless an appeal is properly filed, the former permit holder(s) must properly remove the chickens and henhouses from such property within 96 hours of revocation.
- 5.10 **Appeal.** Any applicant whose permit application has been denied or any former permit holder whose permit has been revoked under the provisions of this Ordinance shall have the right to appeal said denial or revocation by filing an appeal with a court of competent jurisdiction within 30 days of the final decision.

Section 6. Structural Standards

- 6.1 **Structures.** In all districts in which chicken keeping is permitted, including exempt districts:
 - 6.1.1 **Henhouses.** Chickens shall be housed within a detached structure (“henhouse”) used exclusively to keep hens. Henhouses shall be an

enclosed, predator-proof, and adequately ventilated and insulated against the cold.

6.1.2 **Enclosed Runs.** An outdoor enclosed run may be permitted when attached to and made part of a henhouse.

- 6.2 **Construction Requirements.** Henhouses and enclosed runs must conform to Building Code requirements and meet accessory buildings maximum height and floor area for the zone, as described in Chapter 9, Exhibit 8-2 of the Code.
- 6.3 **Construction Materials.** Construction of structures shall utilize a building design and materials suitable for a residential district. The re-use of storage containers, vehicles or parts thereof, and similar objects for a henhouse shall be prohibited.
- 6.4 **Setback Standards.** Henhouse and enclosed runs shall be located at least 10 feet away from any side lot line, 25 feet from any rear lot line, and 25 feet from any residential structure on an adjacent lot.
- 6.5 **Obstruction.** No henhouse or henhouse and outdoor run shall be sited to obstruct an existing drainage course or create a drainage problem for the property on which it is situated or for any neighboring property.
- 6.6 **Display of Permit.** Permit information shall be attached to all henhouses in districts requiring an administrative chicken keeping permit. Such permit information shall include a permit holder name, the permit number, and an emergency contact telephone number.
- 6.7 **Registration required.** The property owner/permittee must register the premises where chickens are kept with the Wisconsin Department of Agriculture, Trade and Consumer Protection, as required by state law, and maintain such registration for so long as may be required.
- 6.8 **Exemptions.** Enclosed structures for keeping chickens are not required under this Chapter on farm residences in the A-1 agribusiness zoning district or on any parcel in the A-2 general agriculture zoning district.

Section 7. Enforcement

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

Section 8. Effective Date

Adopted this _____ day of _____, 2025.

Russell D. Geise, Town Chair

Attest: _____

Kelsey Faust-Kubale, Town Clerk