

ORDINANCE 2025-005

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

The Town Board of Supervisors of the Town of Clayton do ordain as follows:

Section 1. That Chapter, ANIMALS, **Keeping of Chickens.**, is hereby created to read as follows:

§ 1.1 Keeping of Chickens.

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

CHICKEN - Shall mean a hen or pullet (female) or a rooster (male).

CHICKEN TRACTOR - A movable chicken coop lacking a floor.

HEN – Shall mean a female chicken (hen or pullet)

HENHOUSE/COOP - A structure where female chickens are kept.

ROOSTER - Shall mean a male chicken older than 3 months.

B. A permit under this section is required for the keeping of chickens and establishment of a henhouse for all districts where the use is allowed. Lands in the A-1 agribusiness zoning district, or lots in the A-2 general agriculture zoning district at or exceeding 5 acres, are exempt from this administrative chicken keeping permit requirement. An accessory structure built on these exempt lands may still require a building permit; please contact the Town for more information.

C. Permit.

1. A permit shall be issued only to the primary owner(s) of record of a single-family residence located in a residential district. The property owner/permittee shall reside on the premises regulated by the permit. 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.

2. The permit application shall include proof of registration with the Wisconsin Department of Agriculture, Trade and Consumer Protection pursuant to Section 95.51, Wis. Stats.

3. The permit application shall include 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. The Town Clerk or their designee shall review the plan with staff before issuing the permit.

~~4. All permits shall be issued for a term of one year, commencing with the first day of January of each year and terminating as of 12:00 midnight on December 31 of each year. Application for permits may be made from January 1 through March 31st of each year without a late fee. A permit that is not renewed shall be considered expired.~~

5. The permit information shall be attached to the henhouse, which shall include a name, permit number and an emergency contact telephone number.

6. Permit, ~~late fee and renewal~~ fees shall be paid in accordance with the fee schedule set by resolution of the Town Board of Supervisors.

8. A permit shall expire at such time as the permittee no longer maintains chickens at the permitted address.

9. 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:

a. Failure to comply with any of the provisions of this section of the Code.

b. Where the keeping of chickens is determined to create a nuisance as defined by Chapter 218 of the Code.

c. Where 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 is proof that it would be detrimental.

d. Once revoked, a permit shall not be reissued for a ~~one~~ ~~two~~ year period.

11. Any applicant whose permit application has been denied or revoked under the provisions of this Ordinance shall have the right to appeal said denial.

12. Any permit holder who has his/her permit revoked must within 96 hours properly remove the chickens and henhouse from such property.

D. Standards for administrative chicken keeping permit issuance.

1. A total of ~~no more than~~ six (6) hens and/or pullets per lot shall be allowed under a granted permit within the A-2 general agriculture zoning district, provided the lot size of the A-2 lot is ~~less than 5 acres~~, ~~R-1 rural residential (non-subdivided) district~~, ~~R-2 suburban residential (subdivided) district~~, ~~R-3 two-family residential district~~, and ~~R-4 multi-family residential district~~.

2. Roosters shall be prohibited on any lot ~~when an administrative chicken keeping permit is required~~.

3. ~~On lands where an administrative chicken keeping permit is required~~, the slaughter of chickens shall be prohibited. ~~Exceptions to this may be made for humane reasons of injury or disease~~.

4. Chickens shall be housed within a detached structure used exclusively to keep hens. One henhouse shall be permitted per lot ~~in the A-2 general agriculture zoning district if the lot size of the A-2 lot is in excess of 5 acres~~, provided it ~~meets setbacks and that~~ the accessory buildings maximum floor area has not been met.

5. A henhouse shall be an enclosed, predator-proof structure that is adequately ventilated and sufficient in size to allow free movement of the fowl, and conform to Building Code requirements. An outdoor covered run may be permitted when attached to and made part of a henhouse.

6. Female chickens must be secured within a henhouse during non-daylight hours.

7. Female chickens may not roam free outside of a henhouse or enclosed run, or roam off of the permitted property. No dog or cat or other domesticated animal that kills a hen ~~chicken off of the permitted property~~ will, for that reason alone, be considered a dangerous or aggressive animal.

Section 6. That Chapter 330, Zoning, §330.08-444 **Backyard Chickens**, and the corresponding information contained in the most current version of the Land Use Matrix, is hereby amended to read as follows:

Line 17.04 of Exhibit 8-1 shall be amended to indicate ZP required under Review column, and the use is Permitted "P" in A-1, A-2, R-1, R-2, R-3, and R-4.

Conditional use allowances in R-8, I-1, and I-2 shall be struck and replaced with "-".

The notation of "[16]" shall be moved to after the ZP in the Review column, and Note 16 shall be struck and replaced with "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."

Add Thereto:

A. Number. When an administrative chicken keeping permit is required, a total of no more than 6 hens and/or pullets per lot shall be allowed.

B. Roosters. The keeping of roosters is prohibited on any lot where an administrative chicken keeping permit is required. ~~not within the A-1 agribusiness zoning district, or those in the A-2 general agriculture zoning district, provided the lot size of the A-2 lot is in excess of 5 acres.~~

C. Slaughter of chickens prohibited. The slaughter of chickens is prohibited on the premises of any lot where an administrative chicken keeping permit is required. ~~outside the A-1 agribusiness zoning district is prohibited.~~ Exceptions to this may be made for humane reasons of injury or disease

D. Permit required. Where indicated as a permitted use, an administrative chicken keeping permit is required in all zoning districts except A-1 agribusiness zoning district and A-2 general agriculture zoning district of 5 or more acres.

E. The maximum height and size of a henhouse and covered run shall conform with the accessory buildings, maximum floor area of the recorded zoning district of the lot.

H. Henhouse construction 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.

I. A ~~no~~ henhouse or henhouse and outdoor run shall be located ~~at least within 10 feet away from~~ ~~of~~-any side lot line, 25 feet ~~from~~ ~~of~~-any ~~side and/or~~-rear lot line, and 25 feet from any residential structure on an adjacent lot. ~~, and/or be~~ ~~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.

J. Any henhouse or henhouse and outdoor run that is abandoned or its use discontinued for the keeping of ~~female~~ chickens for a period of twelve (12) months shall be removed from the premises by the property owner. Modification of a henhouse or henhouse and outdoor run for some other use shall not be permitted.

K. 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.

Section 8. Any person violating the provisions of this Ordinance shall be subject to the penalty provided in Chapter 330, Article 14 of the Code.

Section 9. The appropriate Town officials are hereby authorized and directed to take such action as is necessary to effectuate the terms of this Ordinance.

Section 10. All other ordinances and resolutions inconsistent with the provisions of this Ordinance are hereby repealed.

Section 11. This Ordinance shall take effect and be in force upon its passage and publication as provided by law.

Adopted this _____ day of _____, 20_____

Russell D. Geise, Town Chair
Clerk

Attest: Kelsey Faust-Kubale, Town