

**Ordinance No. 2022-07**

**AN ORDINANCE TO CREATE A NEW SECTION 7-1-26, RENUMBER AND AMEND THE PENALTIES SECTION 7-1-27 AND RESERVE ADDITIONAL SECTIONS FOR FUTURE USE OF THE CODE OF ORDINANCES OF THE VILLAGE OF CALEDONIA, RACINE COUNTY, WISCONSIN, RELATING TO KEEPING OF CHICKENS IN SINGLE-FAMILY RESIDENTIAL DISTRICTS**

The Village Board of the Village of Caledonia, Racine County, Wisconsin, do ordain as follows:

1. That Section 7-1-26 of the Code of Ordinances for the Village of Caledonia be, and hereby is, created to read as follows:

**"SEC. 7-1-26 KEEPING OF CHICKENS IN SINGLE-FAMILY RESIDENTIAL DISTRICTS**

- A. **When Hens Allowed.** Within the jurisdictional limits of the Village, Hens are allowed by permit under this Section on property zoned single family residential that also contains an occupied single-family dwelling if kept in compliance with this Section. This ordinance is adopted under the Village's police power for the health, safety and welfare of its residence and for the protection of property.
- B. **Definitions.**
  - (1) **Chicken.** "Chicken" shall mean in this Section to include both Hens and Roosters generally.
  - (2) **Hen.** "Hen" shall mean in this Section a female Chicken.
  - (3) **Rooster.** "Rooster" shall mean in this Section a male Chicken.
- C. **Prohibitions.**
  - (1) **Roosters Not Allowed.** Roosters are prohibited on property that is permitted for Hens. Note: Roosters remain restricted as livestock under Sec. 7-1-13(e) of this Chapter.
  - (2) **Slaughtering.** Slaughtering of Chickens within the jurisdictional limits of the Village of Caledonia is prohibited except on properties properly zoned and approved for such use.
  - (3) **Bird Fighting.** The raising or keeping of Chickens for fighting and the fighting of Chickens is prohibited within the Village of Caledonia as per § 951.08, Wis. Stats.
  - (4) **Business Or Commercial Use Prohibited.** Nothing herein shall

be interpreted to authorize the conduct of a business or commercial use on a residential property.

**D. Requirements.**

- (1) **Where allowed.** Hens are not allowed in any residential zoning district except for single-family residential districts and on property that contains an occupied single family dwelling. Hens shall not be allowed to roam freely on parcels less than 25 acres and shall be contained to Chicken coops and runs as set forth below. For parcels 25 acres and greater in size, only Chicken coops are required as set forth below.
- (2) **Maximum number of Hens.**
  - (a) Up to five (5) hens shall be allowed on parcels that are 5 acres or less in size in compliance with this ordinance.
  - (b) Up to thirty-three (33) hens shall be allowed on parcels that are greater than 5 acres in size in compliance with this ordinance.
- (3) **Feed.** All feed for Hens must be kept in airtight containers that are out of reach of wild animals.
- (4) **Coops.** Hen coops are required to house the Hens on a property in compliance with this ordinance. An accessory building permit is required for all Hen coops. A Hen coop is a building structure that provides housing/shelter for Hens and shall meet the following requirements:
  - (a) Hens must be provided at least 3 square feet of floor space each.
  - (b) A coop must have minimum dimensions of 2 feet long by two feet wide by 4 feet tall.
  - (c) There must be at least 2 nesting boxes per 5 hens.
  - (d) Coops must include elevated perches to ensure chickens are able to rest in their natural position.
  - (e) Coops must be structurally sound, insulated, moisture proof and kept in good repair.
  - (f) Coops must have vents to ensure proper ventilation during all times of the year.
  - (g) There must be a minimum of 1 foot of window for each 10 feet of wall space.

- (h) Coops must be clean, dry and kept 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.
  - (i) Waste from Hens must be properly disposed of according to Sec. 7-1-10.
  - (j) During the winter months to protect from inclement weather:
    - (1) Windows must be covered with clear plastic to minimize drafts. Air vents shall be installed to ensure adequate air quality for the Hens.
    - (2) Coops must be kept at a temperature of no less than 35° F.
    - (3) Water must not be frozen in the winter.
  - (k) Coops must provide access to the chicken run, when required.
  - (l) No coop shall be located closer than 20 feet to any residential lot line on an adjacent lot. Coops (and their runs) must be located in the rear yard and must meet requirements of accessory structures under Section 16-1-1(a)(11) of this Code.
  - (m) Bedding. The material that covers the floor of a coop is commonly referred to as bedding and should be at least two inches thick. The primary function of the bedding is to absorb moisture from droppings, water spills, limit odors, and facilitate coop cleaning.
- (5) **Chicken Runs.** Unless a parcel is at least 25 acres in size, hens must have access to an outdoor fenced structure (a run) that meets the following requirements:
- (a) Each Hen shall have at least 6 square feet of space each in the run.
  - (b) Minimum dimensions - 2 feet wide by 2 feet long by 3 feet tall.

- (c) Fencing must have spacing of no more than 1 inch.
- (d) Top of the run must be covered with fencing with spacing of one inch or less.
- (e) Fencing shall be buried 1 foot under the ground if the run is not mobile.

(6) **General care requirements.** Hens must be properly cared for.

- (a) Feed must be provided daily and must be proper for Hens in accordance with § 951.13.(1), Wis. Stats.
- (b) Clean water must be provided at all times and changed daily in accordance with § 951.13. (2), Wis. Stats.
- (c) All enclosures for the keeping of Hens shall be so constructed and maintained as to prevent rats, mice, other rodents, and animals from being harbored underneath or within the enclosure.

E. **Permit; Application and Review Process.** A permit from the Village is required in order to keep Hens on property as provided for under this ordinance. Only one permit shall be issued to each parcel number. Permits expire December 31 of each year. Applications shall be made prior to December 1<sup>st</sup> of each year including for renewals. Late fees will apply after January 31st of each year

(1) Applicant shall submit the following to the Village Clerk's office:

- (a) Completed initial or renewal permit application in a form from the Village's Clerk's office.
- (b) A copy of the proof of registration of the property where Hens will be kept with the Wisconsin Department of Agriculture, Trade, and Consumer Protection.
- (c) A plan that includes a scaled drawing of the parcel showing the proposed location of the coop and run, if required. The drawing shall include dwelling units on properties within 100 feet of the proposed coop and any run location.

- (d) Fees as may be applicable
- (2) Review and Approval.
  - (a) **Plan Review.** Prior to approval of the initial permit, the plan and location shall be reviewed and approved by Building Inspector or designee prior to approval of the initial Permit. Renewal applications do not require resubmission of the plan.
  - (b) **Site Inspection.** Prior to the initial permit, the intended site for the keeping of the Hens shall be inspected by the Zoning Administrator or their designee. Renewal applications do not require a site inspection if there have been no complaints and the plan has not changed.
  - (c) **Approval.** Initial and renewal permit applications shall be reviewed by the Village Clerk. The Village Clerk shall approve or deny such application or may, in their discretion, refer the application for review and action by the Legislative and Licensing Committee. Upon referral, the Legislative and Licensing Committee may approve or deny the application utilizing the same criteria under this Subsection. An "initial" application under this Section shall mean an application by a person that has not previously received a permit under this Section for the applied for location. A renewal application shall mean an application by a prior permittee for the same site with the same plans.

F. **Application and Permit fee.** All fees under this ordinance shall be as set forth in the fee schedule as set by the Village Board by Resolution from time-to-time. The fees to be established are as follows: application fee, initial permit fee, renewal permit fee and late fee. These fees will not be prorated.

G. **Complaints; Animal Cruelty.**

- (a) **Complaint Process; Revocation.** Any complaints about Chickens on property, whether for noncompliance, noise or nuisance, shall be made to the Village Clerk's office. Whenever the Village, through its agents or employees, upon inspection of the property complained of, finds the condition of the property to be in violation of this Section, an order shall be issued by the Zoning Administrator or their designee, to the owner of the property (and occupant if different from owner) to correct said condition within 10 days. If the order is not complied with or the requirements of this Section are not met, the Village may refuse to approve or renew a permit

under the Section. The Village may also revoke any permit granted for noncompliance after providing ten business days notice of the basis for the revocation and opportunity for hearing. Any permittee facing revocation may request a hearing before the Legislative and Licensing Committee pursuant to Title 4 of this Code. Once a permit is revoked, a permit shall not be reissued for three years. Nothing herein shall prevent the Village from issuing a citation for violation of any provisions of this Section at the time an order to correct is issued or notice of intent to revoke a permit is issued

- (b) **Animal Cruelty violations.** The following conditions are hereby determined to be animal cruelty under Sec. 7-1-18 of the Village's Code of Ordinances: noncompliance with the requirements for the care and keeping of Hens under this ordinance including inadequate food or water, dirty coop, improper temperature conditions, sick or unhealthy Hens, and improper size coop and run.
- (c) Multiple violations, meaning three or more violations of this Section are a sufficient basis for the Village's revocation of a permit, non-issuance of a permit and/or nonrenewal of a permit.”

2. That Section 7-1-26 of the Code of Ordinances for the Village of Caledonia be, and hereby is, renumbered and amended to read as follows:

**"SEC. 7-1-30 PENALTIES.**

- (a) Any person violating Sections 7-1-5, 7-1-15, 7-1-16, 7-1-17, 7-1-18, 7-1-19, 7-1-20, 7-1-21, 7-1-22, 7-1-23, 7-1-24, 7-1-25 and 7-1-26 shall be subject to a forfeiture of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00). This Section shall also permit the Village Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this Ordinance.
- (b) (1) Anyone who violates Sections 7-1-1, 7-1-2, 7-1-3, and 7-1-4 of this Code of Ordinances or Chapter 174, Wis. Stats., shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than Two Hundred Dollars (\$200.00) for the first offense and not less than One Hundred Dollars (\$100.00) and not more than Four Hundred Dollars (\$400.00) for any subsequent offenses.
- (2) An owner who refuses to comply with an order issued under Section 7-1-5 to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than One Hundred Dollars (\$100.00) nor

more than One Thousand Dollars (\$1,000.00) or imprisoned not more than sixty (60) days or both.

- (c) Any person who violates Section 7-1-6 through, 7-1-14 of this Code of Ordinances shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00) for the first violation and not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00) for subsequent violations.
- (d) Each and every day that a violation of this Chapter exists constitutes a separate daily violation for which a separate daily penalty can be imposed."

3. That Sections 7-1-27 to 7-1-29 are reserved for future use.

4. That this ordinance shall take effect on May 16, 2022 and upon adoption and publication as required by law.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this 16 day of May, 2022.

**VILLAGE OF CALEDONIA**

By: \_\_\_\_\_

James R. Dobbs, President

Attest: \_\_\_\_\_

Joslyn Hoelert, Clerk

770272.001(330) 5-11-22

