

Chapter 6.07

Chickens

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6.07.010 Purpose and authority.

The following regulations will govern the keeping of chickens in Single-Family Residential zoning districts and are designed to prevent nuisances and prevent conditions that are unsanitary or unsafe. No person shall keep chickens unless the following regulations are followed:

A. The residents of the Village of Oakfield (hereafter as "Village") adopt this subsection to prevent nuisances and prevent conditions that are unsanitary or unsafe.

B. These regulations are established pursuant to the authority granted to villages by the Wisconsin Legislature in §61.34, Wis. Stats., Powers of Village Board.

C. This Chapter 6.07 is not intended to alter or supersede any restrictive covenants or land use restriction that are otherwise applicable to any property for which a permit is sought.

6.07.020 Definitions.

The following terms, when used in this chapter, shall have the meanings set forth below:

CHICKEN: A domestic chicken of the subspecies *Gallus gallus domesticus*.

CHICKEN RUN: A fenced cage attached to a coop at least 10 square feet in area per chicken and not to exceed 50 square feet in area.

COOP: A new or existing enclosed accessory structure designed or modified for the keeping of chickens and meeting the requirements of this chapter. A coop shall be considered an accessory building under 14.16.040 and 14.20.040 (J) of the Village Code of Ordinances.

KEEP: Either the owning, keeping, possessing or harboring of a chicken.

ROOSTER: A male chicken of any age, including a capon or otherwise neutered male chicken.

6.07.030 Permit required.

A. Any person who owns, keeps or harbors chickens on land in the Village which the person owns, occupies or controls shall obtain a permit issued by the Village of Oakfield.

B. The permit is valid January 1 through December 31.

C. A permit will only be issued to the property owner. Permits will not be issued to any property that is non-owner occupied.

D. Permits will not be issued in any non-residential zoning district, except on obtaining prior authorization by Resolution of the Oakfield Village Board.

D. Residents deciding to own, keep or harbor chickens for successive years must obtain a new license for each term year they own, keep or harbor such chickens.

E. Applications shall be made to the Village Clerk and the permit and late fee for the license shall be in the amount established by resolution of the Village Board and available for review on the annual fee schedule on file at the Village Office.

1. A triple permit fee will be assessed for any person who owns, keeps, or harbors chickens in the Village without first obtaining a permit therefore.

2. License fees shall not be prorated or refundable.

3. In the event a complaint has been filed

with the Village prior to renewal of said license within the calendar year prior to renewal, applicants must receive written approval from not less than 50% of the owner-occupied neighboring property owners whose property is within 100 feet of the applicant's property lines exclusive of street right-of-way prior to approval of said license by the Village Board. If no complaint has been received, the license application shall be processed by the Village Clerk.

F. All permit applications shall be accompanied by satisfactory evidence that the applicant has registered the proposed location with the Wisconsin Department of Agricultural Trade and Consumer Protections pursuant to §95.51 Wis. Stats. And 47 ATCP Wis. Admin. Code.

G. No more than ten (10) permits shall be issued and outstanding at one time. Permits shall be issued exclusively on a first-come, first-served basis except permits issued to persons in the previous calendar year will be held until January 31st for renewal. If the permit is not renewed by January 31st it shall become available for reissuance to another property owner. No permit shall be issued to any applicant who has an outstanding fine, fee, charge or overdue assessment owing to the Village or Village Utility.

6.07.040 Permit revocation.

A. A permit is subject to revocation by the Varmint Control Officer, and/or the Police Chief or his/her designee, upon failure to comply with any provisions hereof. Such revocation is subject to appeal by the Planning Commission. Once a permit is revoked, a permit shall not be reissued.

B. The Village of Oakfield and its officers may revoke a license if there are two or more violations within any consecutive six-month period of this or any other section of this code.

C. A complaint against any person owning, keeping or harboring chickens in accordance with this section may be filed with the Village or the Fond du Lac County Department of Public Health. If filed with the Village, the Village shall then be required to forward the

complaint to the Fond du Lac County Department of Public Health. If the Fond du Lac County Public Health Department, the Village or their agents determines that conditions are unsanitary, or if for any reason a nuisance exists, they shall have authority to order the owner or occupant of the premises to abate the nuisance and it shall thereupon be unlawful to keep such chickens on the premises.

D. If an investigation from the Village reveals that the use of chickens is in violation of this section or any other section of the Code the Village shall have the authority to require the owner or user of the property to fix, abate, or alleviate the problem. If the problem is not satisfactorily abated or alleviated the Village of Oakfield shall have authority to revoke the license.

E. All chickens, coops and attached enclosures shall be removed by permit holder within seven (7) calendar days of any permit revocation or non-renewal.

6.07.050 Enforcement and Penalties

A. Enforcement. Any officer so designated by the Village Board may issue compliance orders and citations pursuant to the provisions of this chapter.

B. Penalties. Each person found guilty of a violation of any of the provisions of this chapter shall be subject to the provisions of Section 1.20.010. Any chickens found to be the subject of a violation of this chapter shall be subject to immediate seizure and impoundment any may be removed from the village by village officials in the event that the owner or keeper fails to timely remove the chickens as required in subsection (A) above. In addition to the penalties imposed any person who violates this chapter shall pay all expenses, including shelter, food, handling and veterinary care, necessitated by enforcement of this provision. (Ord. dated May, 2023).

6.07.060 Keeping of chickens.

A. Districts. Keeping or harboring of

chickens shall only be allowed in Single-Family Residential, or One- and Two-Family Residential zoning districts with a valid permit.

B. Roosters. It is unlawful for any person to keep roosters.

C. Number. No more than four hens shall be allowed for each dwelling unit.

D. Free range. Chickens shall not be allowed to free range and shall not be housed in garages or homes. Chickens shall be provided with a dedicated sanitary and adequately sized coop, and shall be kept in the coop or a sanitary and adequately sized chicken run attached thereto at all times.

6.07.070 Coops and runs.

A. Hens shall be provided with a covered, predator-proof coop or cage that is well ventilated and designed to be easily accessed for cleaning. Hens shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the property and to prevent predators from access to the birds.

B. Setbacks and location. No chicken coop shall be located within any setback area.

C. Coops and cages shall not be located in the front or side yard of a parcel, whether outside the setback or not. All chicken coops shall be located in the rear yard.

D. No chicken coop shall be located closer than 50 feet to any principal residential structure on an adjacent lot and must be set back a minimum of 20 feet from adjacent property lines.

E. Coops or cages housing chickens shall be kept at least 50 feet from the door or window of any dwelling or occupied structure other than the owner's dwelling.

F. All coops and runs shall comply with the building and zoning requirements of the Code. They will be considered an accessory structure per Village Ordinance 14.16.040 and 14.20.040 (J).

G. Coops shall be large enough to provide at least four square feet per chicken, but may not exceed 10 feet in height or 50 square feet in

size.

H. Coops shall be constructed in a workman-like manner, be moisture-resistant and either raised up off the ground or placed on a hard surface such as concrete, patio block or gravel.

I. Coops with or without a chicken run shall be constructed and maintained to reasonably prevent the collection of standing water, and shall be cleaned of hen droppings, uneaten feed, and other waste as is necessary to ensure that the coop and yard do not become a health, odor, or other nuisance.

J. Coops that are no longer being utilized to house chickens shall be removed from the property within 90 days.

6.07.080 Feed and water.

A. Chickens shall be provided with fresh water at all times and adequate amounts of feed.

B. The main food source for the chickens should be provided in dedicated feeding containers and scatter feeding as the primary food source is prohibited. Small amounts of scratch grains that do not accumulate on the property are allowable.

C. All feed containers shall be made of quality material and rodent-proof. Any poultry feed shall be stored so as to keep out rodents.

D. The owner shall practice proper poultry waste disposal in order to avoid odors. Waste composting on the premises shall be allowed as long as it does not create odors or other nuisances for neighboring properties.

6.07.090 Sanitation.

A. The coop and outdoor enclosure must be kept in a sanitary condition and free from offensive odors. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste.

B. In addition to compliance with the requirements of this subsection, no one shall keep chickens that cause any other nuisance associated with unhealthy conditions, create a public health threat or otherwise interfere with the normal use of property or enjoyment of life by

humans or animals.

C. All chicken droppings shall be disposed of or composted.

D. Waste may not be disposed of at the Village Garage.

6.07.100 Public health requirements

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

B. Any person keeping chickens shall immediately report any unusual illness or death of chickens to the Fond du Lac County Health Department.

C. Annual inspections of the chickens, coop and run may be conducted by the Police Chief and his/her designee.

6.07.110 Bird noise

In accordance with this section, it shall be unlawful for any person, firm, corporation, or other entity operating, having charge of, or occupying any building to own, keep, harbor or allow to be kept any chicken which shall habitually by any noise disturb the peace and quiet of any person in the vicinity thereof.

6.07.120 Other restrictions.

A. Rat harborage to be prevented. All chicken yards, coops, pens or houses shall be constructed or repaired as to prevent rats from being harbored underneath the same or within the walls thereof, and all food products or other products, goods or wares likely to attract or to become infested with or infected by rats shall be protected as to prevent rats from gaining access thereto or coming in contact therewith.

B. There shall be no breeding, hatching, or selling of live chickens.

C. Sale of eggs and baby chicks prohibited. No person may offer to sell eggs or chicks accumulated from the activities permitted hereunder.

6.07.130 State and federal laws and regulations compliance.

The owner shall abide by all state laws and regulations for livestock premises registration, including applicable sections of §95.51, Wis. Stats., and Wisconsin Administrative Code Chapter ATCP 17 and any applicable amendments thereto. Applicant shall also follow state law regarding import, purchase and sales of live poultry as set forth in ATCP 10.40 and ATCP 10.42 of the Wisconsin Administrative Code and any applicable amendments thereto.