ORDINANCE NO. 3591 Amended

AN ORDINANCE AMENDING CHAPTER 216, ANIMALS, CHAPTER 433 LICENSES AND PERMITS, AND CHAPTER 720, ZONING OF THE CODE OF THE CITY OF FOND DU LAC REGARDING KEEPING OF CHICKENS

The City Council of the City of Fond du Lac do ordain as follows:

Section 1. That Chapter 216-14., **Species prohibited within City**., is hereby amended to read as follows:

§ 216-14. Species prohibited within City.

The species named in this section are by their nature or actions considered to be a public nuisance and are hereby declared to be a nuisance with the City and may not be kept by any person within the City limits: including all cattle, horses, mules and donkeys, sheep, goats and swine, and also all mink, foxes, skunks, raccoons, ducks and geese.

Section 2. That Chapter, ANIMALS, Section 216-23., **Keeping of Chickens**., is hereby created to read as follows:

§ 216-23. Keeping of Chickens.

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

CHICKEN – Shall mean a female hen or pullet.

CHICKEN TRACTOR – A movable chicken coop lacking a floor.

HENHOUSE/COOP – A structure where chickens are kept.

ROOSTER – Shall mean a male domestic fowl older than 3 months.

B. No person shall keep chickens or establish or maintain any henhouse upon any premises within the City limits without a valid permit approved by the City Clerk or his/her designee.

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, including fertilizer production and/or the sale of eggs, 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 Section 720-11, of the Code. The City Clerk or his/her designee shall review the plan with staff before issuing the permit.

(4) Where a property is a City-designated historic site, the Historic Preservation Commission shall review the plan for a henhouse prior to the issuance of a building permit.

(5) 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 the last day of the permit period. 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.

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

(7) Permit, late fee and renewal fees shall be paid in accordance with the fee schedule set by resolution of the City Council.

(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 City Clerk or his/her designee at the request of the Chief Building Inspector, Fire Inspector, Fire Chief, Police Chief, 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 476 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 two-year period.

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

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

D. Standards.

(1) A total of four hens and/or pullets per lot shall be permitted; roosters shall be prohibited.

(2) The slaughter of chickens shall be prohibited.

(3) Chickens shall be housed within a detached stationary structure used exclusively to keep hens. One henhouse shall be permitted per lot, provided that the property does not include an accessory building such as a storage shed, gazebo, or similar building. Temporary and/or moveable devices and structures, including chicken tractors, shall be prohibited.

(4) A henhouse shall be an enclosed, predator proof and rodent-resistant, insulated structure that is adequately ventilated and sufficient in size to allow free movement of the fowl, and conform to Building Code requirements and the requirements of Section 720-11 of the Code. An outdoor covered run may be permitted when attached to and made part of a henhouse.

(5) Chickens shall be secured within a henhouse during non-daylight hours.

(6) 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 chicken off of the permitted

property will, for that reason alone, be considered a dangerous or aggressive animal.

Section 3. That Chapter 216, ANIMALS, Section 216-23., **Violations and penalties**., is hereby renumbered as Section 216-24.

Section 4. That Chapter 433, LICENSES AND PERMITS, Section 433-1, **Licenses required**., is hereby amended as follows:

Add Thereto:

N. Keeping of chickens. See Chapters 216 and 720.

Section 5. That Chapter 720., Zoning, Section 720-11., **Accessory buildings and uses**., paragraph B., is hereby amended to read as follows:

B. Accessory uses shall not include the keeping, propagation or culture of poultry (except racing, homing, and show pigeons), honeybees (as allowed by §216-22), chickens (as allowed by §216-23), rabbits, livestock or other nonhousehold animals, whether or not for profit, except on such lots where the pursuit of agriculture is a permitted principal or accessory use.

Section 6. That Chapter 720, Zoning, Section 720-11., **Accessory buildings and uses**., paragraph C.(4) Chickens., is hereby created to read as follows:

Add Thereto:

(4) Chickens: R

(a) Permit required. See § 216-23.

(b) The maximum size of a henhouse shall not exceed 12 square feet. The area of a henhouse shall include the footprint of the structure and any cantilevered area that extends beyond the footprint.

(c) The maximum size of a covered run shall not exceed 12 square feet.

(d) The maximum height of a henhouse, including the area of a covered run, shall not exceed 8 feet.

(e) Henhouse construction shall utilize a building design and materials suitable for a residential district. The use of corrugated metal, sheet metal, plastic, pallets, scrap materials, and/or similar materials shall be prohibited. The re-use of storage containers, vehicles or parts thereof, and similar objects for a henhouse shall be prohibited.

(f) No henhouse or henhouse and outdoor run shall be located within 15 feet of any side and/or rear lot line, and/or 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.

(g) Any henhouse or henhouse and outdoor run that is abandoned or its use discontinued for the keeping of 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.

Section 7. That Chapter 720, Section 720-11., **Accessory buildings and uses**., paragraph C., (4) through (27) are hereby renumbered (5) through (28).

Section 8. Any person violating the provisions of this Ordinance shall be subject to the penalty provided in Section 216-24., and Section 1-4., of the Code.

Section 9. The appropriate City 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:

Lee Ann Lorrigan, President
Fond du Lac City Council

OCTOBER 28, 2015

Attest:

Margaret Hefter, City Clerk

City Attorney:

Reviewed DAM