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

CHICKEN KEEPING PERMIT APPLICATION
January 1st-December 31st

A chicken keeping permit is required to keep and, maintain or allow than four (4) hens on an owner-occupied lot located in a residential zoning district within the City of Fond du Lac as specified in Chapter 216, Animals, Chapter 433, Licenses and Permits and Chapter 720, Zoning of the Code of the City of Fond du Lac.

Subdivisions and/or Homeowners' associations may have restrictions/covenants on chicken keeping. Applicants are encouraged to contact their homeowners' association to confirm that chicken keeping is an allowed activity.

APPLICANT/PROPERTY OWNER INFORMATION

Applicant: _____ Date: _____

Property Owner: _____

Address (where chickens are to be kept): _____

Mailing Address (if different): _____ Zip: _____

Contact # _____ E-mail: _____

LICENSING FEES

Licensing fee is $50 for up to four (4) hens *(Make checks payable to City of Fond du Lac)*

REGULATIONS FOR KEEPING CHICKENS

Total number of hens to be kept: _____ *(a maximum of four chickens are allowed per residential lot.)*

You must provide the following with your application:

- ☐ Proof of registration with the State of Wisconsin Dept. of Agriculture, Trade & Consumer Protection (WI Statute 95.51) register online at http://www.wiid.org/ or phone WLIC at 888-808-1910
- ☐ Scaled Site Plan/Zoning approved by Inspection, Fire & Community Development departments.
- ☐ Drawing or photograph of hen house, including materials and colors.
- ☐ Proof of Property Ownership.

QUESTIONS REGARDING YOUR PROPERTY

- ☐ Are you in a flood plain?
- ☐ Is your property designated as a Historic site?
- ☐ Do you have any accessory buildings (i.e. storage shed, gazebo or similar building?)

REQUEST AND AFFIDAVIT

The applicant must read the following statement carefully and sign below:

I hereby certify that I am the owner of record of the subject property. I hereby declare, under penalty of perjury, that this application and all attachments thereto are true, correct, and complete to the best of my knowledge. In submitting the signed application, I acknowledge that it is my responsibility to comply with the terms and conditions of a Chicken Keeping Permit issued pursuant to Chapter 216, Animals, Chapter 433, Licenses and Permits and Chapter 720, Zoning of the Code of the City of Fond du Lac as referenced in the application. I further understand and acknowledge that Chapter 216, the Code of the City of Fond du Lac grants a right of inspection to enter upon the premises where chicken keeping has been permitted to ensure all requirements of the Code are being met by the permittee, that a Chicken Keeping Permit is valid as long as the property owner remains the same, the permit may be revoked if the permittee is convicted of one or more violation(s) of the Code of the City of Fond du Lac and Chicken Keeping Permits are not transferrable. ***Denials and/or revocations of permits may be appealed in writing to the City Manager within 20 days of receipt of the denial or revocation.***

_____ _____

Applicant Signature Date

Application Submittal Requirements

1. **Application fee**: $50.00
   A chicken keeping permit is valid from January 1st through December 31st. The annual permit must be renewed each year. The permit renewal period is from January 1st through March 31st. A late fee of $25.00 will be charged for a permit renewed after March 31.

2. **Site plan**: A site plan of the property must be provided with the application. The site plan (sketch) must show all of the existing buildings on the property, including a detached garage, storage building, gazebo, playhouse, etc. The site plan must show the proposed location of the henhouse and an outdoor covered run if one is provided, the size of the henhouse and enclosed run, and henhouse height. Show the distance from the henhouse/enclosed run to the side and rear lot lines of the property.

3. **Statement of Compliance**: A signed statement from the applicant that s/he has reviewed and will comply with the provisions and requirements of the City of Fond du Lac Code Chapters 216, 433, and 720 pertaining to chickens.

4. **Henhouse**: Provide a drawing or photograph to show the building design and appearance of the henhouse, including colors and materials.

5. **Proof of registration** with the State of Wisconsin Department of Agriculture, Trade and Consumer Protection pursuant to Section 95.51, Wis. Stats.

6. **Proof of property ownership:** Provide current tax bill to verify that the applicant(s) is the owner and occupant of the property to be licensed.

7. **Floodplain**: If the property is located within a floodplain, additional regulations may apply to the location and construction of the henhouse. Floodplain information can be found online through Fond du Lac County's GIS system at http://gisweb.fdlco.wi.gov/fonddulacsl/ or by contacting Community Development at (920)322-3440.

8. **Historic Preservation**: If the property is locally designated as a historic property, the proposed henhouse and its location require Historic Preservation Commission review and approval. To find out if the property is locally designated, check out the list of City Designated Historic Sites at https://www.fdl.wi.gov/departments.iml?DeptID=10&DeptPage=102 or by calling Community Development at (920) 322-3440.

9. **Accessory Buildings**: Properties may only have a garage and one additional accessory structure (storage shed, gazebo, similar building, henhouse). A chicken keeping permit will not be issued for any property that has an existing storage shed, gazebo or similar building.

10. **Variance**: If a property was granted a variance in the past by the Board of Appeals, the conditions of the variance may prohibit or limit accessory structures on the property.

Regulations for Chicken Keeping

FOR COMPLETE REGULATIONS REFER TO ORDINANCE NO. 3591

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 permittee must reside on the premises regulated by the permit.
2. The propagation of chickens for commercial purposes or for any purpose not related to the personal use of the permit holder is prohibited; this includes fertilizer production and/or the sale of eggs.
3. Roosters shall be prohibited.
4. No person shall slaughter any chickens on the premises regulated by the permit.
5. Chickens shall be house within a detached stationary structure used only for hens.
6. One henhouse shall be permitted per lot, provided that the property does not include a storage shed, gazebo or other similar building.
7. Temporary and/or moveable devices and structures – including chicken tractors – shall be prohibited.
8. Chickens shall be secured within a henhouse during non-daylight hours.
9. Chickens may not roam free outside of a henhouse or enclosed run.
10. The maximum size of a henhouse shall not exceed 12 square feet. The maximum size of a covered run shall not exceed 12 square feet.
11. The maximum height of a henhouse, including the area of a covered run, shall not exceed 8 feet.
12. No henhouse or henhouse and outdoor sun shall be located closer than 15 feet to any size and/or rear lot line.

City of Fond du Lac
Chicken Keeping Site Plan

Name (print)_____Phone_____- _____- _____

Address_____Number of hens ____

Zip Code_____E-mail _____

1. Total square feet of coop and enclosure: _____(Sqft.) Square feet of coop alone (<12) _____
2. Distance of enclosure to nearest habitable structure on adjoining properties (>15 feet) _____
3. Type of heating element to be used_____
4. Type of material and colors to be used on the chicken coop_____

Use the area below to sketch chicken keeping site. Include location of house, distances from lot lines, structures (garage, fences/ barriers, pools,etc.)

Site Plan Approved By: Community Development _____ Inspections_____ Fire_____

SAMPLE

City of Fond du Lac
Chicken Keeping Site Plan

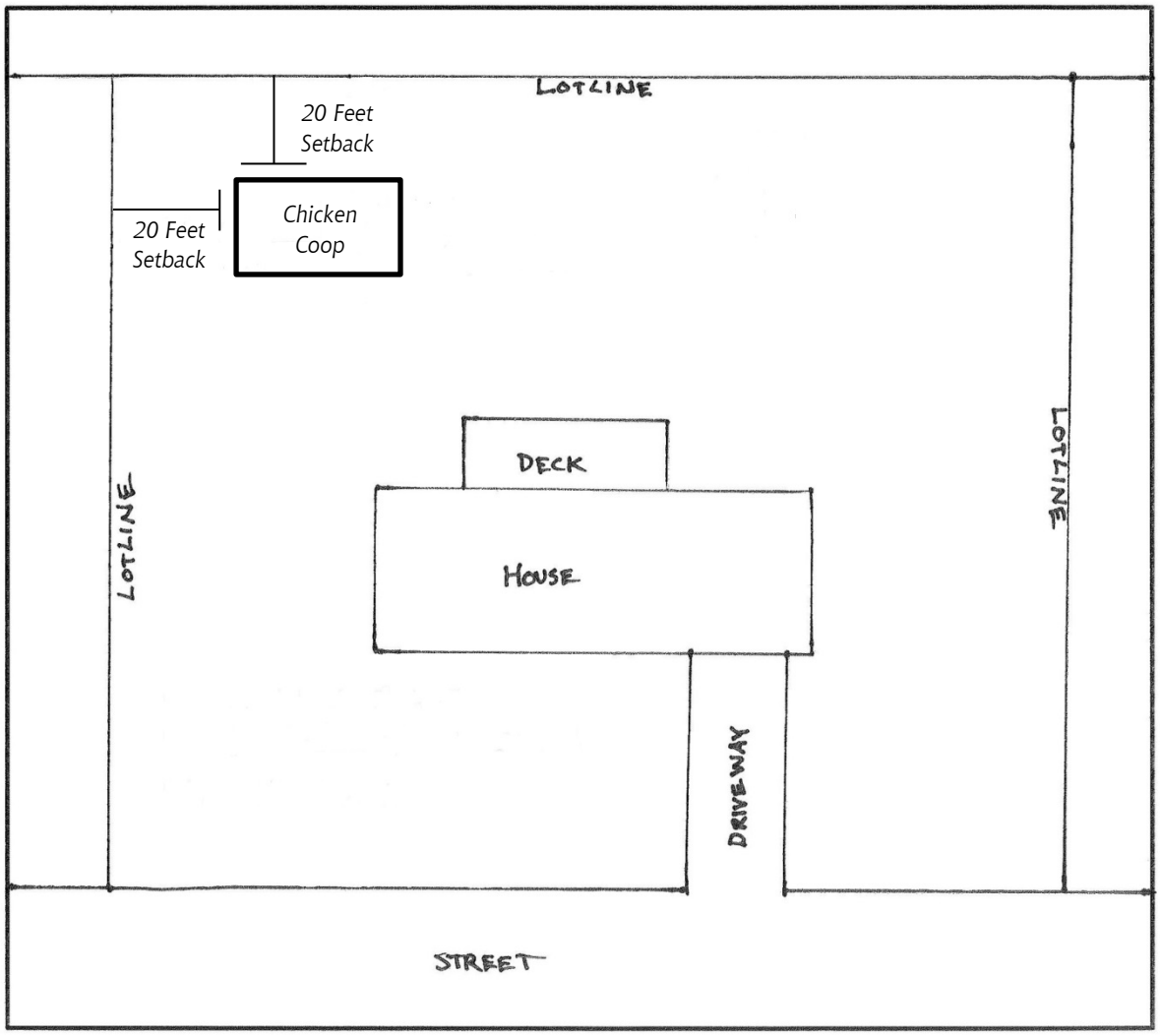
Name (print) *John E Doe* Phone *920* - *555* - *5555*

Address *1222 E Bank Street* Number of hens *4*

Zip Code *54935* E-mail *johnedoe@doe.com*

1. Total square feet of coop and enclosure: *20* (Sqft.) Square feet of coop alone (<12) *10*
2. Distance of enclosure to nearest habitable structure on adjoining properties (>15 feet) *20*
3. Type of heating element to be used *propane*
4. Type of material and colors to be used on the chicken coop *wood, brown & orange*

Use the area below to sketch chicken keeping site. Include location of house, distances from lot lines, structures (garage, fences/ barriers, pools,etc.)



Site Plan Approved By: Community Development _____ Inspections_____ Fire_____

RESOURCES

For information regarding the keeping of chickens in the City of Fond du Lac please visit:

www.fdl.wi.gov

- Chicken Ordinance
- Chicken Regulations
- Permit Application
- Application Requirements
- Site Plan Information
- Sample Site Plan

Fond du Lac Municipal Code:

Chapter 216

Chapter 433

Chapter 720

Wisconsin Livestock Registry
www.wiid.org

www.backyardchickens.com

www.chickens101.com

www.chickenbreedslist.com

Questions?

Contact the City Clerk's office

at 920.322.3430

for the permit application & guidelines

or visit the City Clerk's page

on the City of Fond du Lac website:

www.fdl.wi.gov

A How-To Guide For

Backyard Chickens

CITY OF FOND DU LAC

Backyard Chickens

- **A total of four hens and/or pullets per lot are permitted.**
- **Roosters are prohibited.**
- **Chickens may not roam free outside of a henhouse or enclosed run, or roam off of the permitted property.**
- **Chickens must be kept inside the henhouse during non day-light hours.**
- **The slaughter of chickens is not allowed.**

Coops and Covered Runs

- **Chickens must be housed within a structure used exclusively for that purpose.**
- **A henhouse must be enclosed, rodent-resistant, predator proof, insulated, and ventilated.**
- **One henhouse is permitted, provided the lot does not have any accessory buildings.**

- **Maximum size of a henhouse is 12 square feet.**
- **A covered run is permitted when it is attached to and made part of a henhouse. The maximum size of a run is 12 square feet.**
- **A henhouse must comply with Building Code requirements and Zoning Code requirements.**
- **Coop design and materials must be suitable for a residential district.**
- **Temporary and/or moveable coops are not permitted.**

Chicken Permit

- **A Chicken Permit is issued for a one-year term and must be renewed annually.**
- **The permit holder must be the primary owner and resident of a single family residence in a residential district.**
- **Provide proof of registration with the Wisconsin Department of Agriculture, Trade and Consumer Protection.**
- **The propagation of chickens for commercial purposes or for any purpose not related to the personal use of the permit holder, including the sale of fertilizer or eggs is not allowed.**

PHOTO CREDITS: JOELLYN DAHLIN