



GRAFTON
QUALITY LIFE. NATURALLY.

Town of Grafton Ordinance No. 2013-02

**AN ORDINANCE AMENDING
TITLE 7 CHAPTER 1 REGULATION OF ANIMALS
OF THE CODE OF ORDINANCES, TOWN OF GRAFTON, WISCONSIN,
TO REGULATE THE KEEPING OF CHICKENS**

WHEREAS, it is deemed to be in the best interest of the Town of Grafton that the Municipal Code of the Town of Grafton be further modified and amended in the manner hereinafter more particularly set forth; and

WHEREAS, a Notice of Public Hearing before the Town Board was duly published in the *Ozaukee Press* on March 21, 2013, and March 28, 2013; and

WHEREAS, a Public Hearing was held before the Town Board on April 10, 2013, regarding the proposed Amendments to the Town's Code of Ordinances; and

WHEREAS, based on the above, it is deemed to be in the best interest of the Town of Grafton that the Municipal Code of the Town of Grafton be further modified and amended in the manner hereinafter more particularly set forth below.

NOW, THEREFORE, the Town Board of the Town of Grafton does hereby ordain as follows:

Section 1:

Title 7, Chapter 1 of the Town of Grafton Code of Ordinances is hereby amended as provided below by adding the underlined language:

7.1.17 Regulation of Chickens

7.1.17.01 Purpose and Intent. The purpose of this section is to outline conditions under which Town residents may keep a limited number of chickens in zoning districts other than the A-1 and A-2 zoning districts, where poultry raising is a permitted use, to ensure and maintain property conditions and values, and to protect the health, safety, and welfare of the general population of the Town of Grafton.

7.1.17.02 Definitions. For the purpose of this section, the following terms have the meaning indicated:

- (A) Abutting Property – All property that abuts an applicant's property at one or more points except public streets.
- (B) Rear Yard – Rear yard shall be defined the same as that provided in the Zoning Code, Title 9, Chapter 1.
- (C) Chicken – Chicken shall mean a female hen of any age, including chicks. This definition does not include other kinds of fowl including but not limited to ducks, quail, pheasant, geese, turkeys, guinea hens, peacocks, emus, or ostriches.
- (D) Coop – Coop shall mean an enclosed structure, building or pen within which chickens roost or are housed.

7.1.17.03 Keeping of Chickens. Subject to Plan Commission approval, chickens may be kept or maintained upon the following:

- (A) Up to twelve (12) chickens may be raised on a lot upon proof of notification of all abutting property owners. Proof of notification of all abutting property owners must accompany the permit application.
- (B) Rental tenants of a single-family dwelling or a two-family dwelling shall abide by the rules set forth in 7.1.17.05 herein, and shall obtain the written approval of their landlord prior to the keeping or maintaining of chickens on the rental premises. The landlord's written approval must accompany the permit application.
- (C) Educational facilities are allowed to keep chickens for educational purposes only.
- (D) Chickens may be allowed in the local veterinarian's office for the purpose of observation or treatment.
- (E) In addition to twelve (12) adult chickens, newly hatched chickens (chicks) living in a brooder may be kept in a residence or outbuilding up to the age of three (3) weeks.

7.1.17.04 **Chickens are Not Allowed.** Chickens are not allowed to be kept or maintained upon the following:

- (A) Mobile home parks.
- (B) Vacant lots unless the person requesting the permit resides on the abutting property and the coop cannot be easily seen from the street.
- (C) Condominiums.
- (D) The keeping of chickens in any non-residential district, other than the A-1 and A-2 zoning districts, will only be allowed with the special approval of the Plan Commission.

7.1.17.05 **Permit Required.**

- (A) No property owner or tenant shall own, keep or maintain chickens without first obtaining a permit. The permit process requires a completed application accompanied by the application fee prescribed in the Town's Annual Fee Schedule, and Plan Commission review and approval.
- (B) The applicant for a permit must notify all abutting property owners of their intent to keep or maintain chickens prior to applying for a permit and the permit application must certify that all such property owners have been notified. A list of all property owners and their addresses must be included with the permit application, which shall be submitted prior to the applicant's appearance before the Plan Commission. No permit to keep or maintain chickens shall be issued unless all requirements are met.
- (C) The above requirements shall not be required for renewal of a permit as long as the permit is kept current.
- (D) The permit shall be renewed annually. The permit year shall commence on January 1, and shall end on the following December 31. For the calendar year 2013 only, the permit will be valid from date of issuance through December 31, 2014.
- (E) A permit granted shall not transfer to any other property or successor owners of permitted property unless all provisions of this section are met.

7.1.17.06 **Fees.**

- (A) The annual fee for keeping and maintaining up to twelve (12) chickens shall be set forth in the Town's Annual Fee Schedule and must be paid to the Town Clerk at the time of application. This fee shall not be prorated.
- (B) All renewal permits are due and payable to the Town no later than January 31 of the permit year. Failure to timely renew and pay will result in forfeiture of the permit. Upon forfeiture an applicant shall be required to meet all initial requirements as set forth in 7.1.17.05 above.

7.1.17.07

Property Requirements.

- (A) A coop and any attached enclosure shall be not less than ten feet (10') from any lot line, shall be located in the rear yard of the permit holder's residence, and shall meet all other applicable requirements for accessory buildings as set forth in the Zoning Code, Title 9, Chapter 1.
- (B) A coop and any attached enclosure shall not be closer than twenty-five feet (25') to an abutting residence in addition to the restrictions in paragraph (A) above.
- (C) A coop may not be located closer to a neighboring residence than to the residence located upon the coop's parcel.

7.1.17.08

Coop Design.

- (A) All chickens shall be kept and maintained within a ventilated and roofed coop constructed of sturdy, predator-proof material in compliance with any applicable state and local requirements.
- (B) All coops, including an attached coop enclosure, shall be enclosed with wire netting or equivalent material that will prevent chickens from escaping the coop or the attached enclosure.
- (C) The coop structural floor shall allow at least six (6) square feet per chicken, and the height of the coop shall not exceed eight (8) feet above ground level.
- (D) The coop shall have a clear open space to allow the chickens to walk on the ground or a concrete slab.
- (E) All coop plans shall be reviewed and approved by the Plan Commission.

7.1.17.09

Any Person Keeping Chickens.

- (A) Shall keep or maintain chickens within a coop or attached coop enclosure at all times.
- (B) Shall not keep or maintain any roosters or male chickens older than ten (10) weeks.
- (C) Shall ensure that chickens are provided with access to feed and clean water at all times.
- (D) Shall comply with all state laws governing animal health and any applicable restrictive covenants.

7.1.17.10

Sanitation.

- (A) Chickens and their coops shall be kept and maintained at all times in outdoor areas and shall not be permitted inside a residential premise or dwelling, except as provided in 7.1.17.03(E).
- (B) Chicken feed shall be stored and kept in containers, which make the feed inaccessible to rodents, vermin, wild birds, and other predators.
- (C) All coops and rear yards where chickens are kept or maintained shall be reasonably free from chicken produced substances, including, but not limited to, chicken manure such that the air or environment around the chickens does not become noxious or

offensive or create a condition that would reasonably promote the breeding of flies, mosquitoes, or other insects, or provide a habitat, breeding or feeding place for rodents or other animals, or otherwise be injurious to public health.

7.1.17.11 **Inspection.** The Town shall have the power, whenever it may deem reasonably necessary, to enter a building, structure, or property where chickens are kept to ascertain whether the permittee is in compliance with this section. The permittee shall be responsible for all costs associated with the inspections. The Town Building Inspector may issue compliance orders and citations pursuant to the provisions of this section.

7.1.17.12 **Revocation of Permit.** The Town shall revoke a permit to keep chickens in the event that the Town Building Inspector has issued two (2) or more violations of Section 7.1.17 within any thirty (30) day period. Once a permit is revoked, it shall not be reissued.

7.1.17.13 **Removal of Chickens.** The Town may impound or remove any chickens for violations of this section. The chickens' owner shall be responsible for all costs associated with impoundment or removal.

7.1.17.14 **Removal of Coop.** Chicken coops shall be removed from the property within 90 days of permit revocation or non-renewal of permit. Failure to remove coop within the 90-day period may result in citations and/or the coop's removal by the Town. Coop owner shall be responsible for all costs associated with coop removal.

7.1.17.15 **Penalty.** Any person, firm or corporation who violates any provisions of Section 7.1.17 shall, upon conviction thereof, forfeit \$10.00 per day from the date the citation is issued.

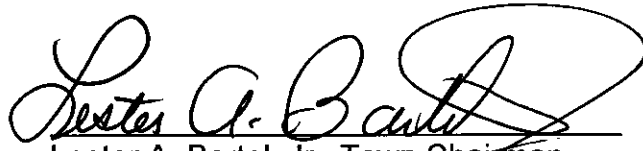
Section 2:

Except as hereinabove specifically modified and amended, the Code of Ordinances, Town of Grafton, Wisconsin, shall remain in full force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

Section 3:

This Ordinance shall take effect and be in full force from and after its passage and publication or posting.

Adopted by the Town Board of the Town of Grafton, Ozaukee County, Wisconsin, at its regularly scheduled meeting on this 10th day of April, 2013.


Lester A. Bartel, Jr., Town Chairman


Amanda L. Schaefer, Town Clerk

Publication Date: April 25, 2013

Posting Date: N/A, 2013