
ORDINANCE NO. 2020-06**ORDINANCE TO AMEND ARTICLE VII
DIVISION 4. – KEEPING OF DOMESTICATED CHICKENS**

The Village Board of the Village of Pewaukee, Waukesha County, Wisconsin, do ordain as follows:

WITNESSETH

WHEREAS, the Plan Commission was asked to review the requirement for a Conditional Use Grant for the keeping domesticated chickens on single-family residential properties in the Village; and

WHEREAS, the proposed amendment to the Land Development Code was reviewed by the Plan Commission of the Village on March 12, 2020 and was recommended to the Village Board for approval; and

WHEREAS, notice of this proposed Code amendment was given through the publication of a legal notice in the official newspaper for the Village as required pursuant to Article 2 Division 2 of Chapter 40 of the Municipal Code of the Village of Pewaukee as well as Wisconsin Statute Section 62.23(7); and

WHEREAS, the matter was the subject of a public hearing held before the Village Board on May 5, 2020.

NOW THEREFORE, the Village Board of the Village of Pewaukee, Waukesha County, Wisconsin, do ordain as follows:

SECTION ONE:

ARTICLE VII DIVISION 4. – KEEPING OF DOMESTICATED CHICKENS is created to read as follows:

Sec. 40.427.2. – Keeping of Domesticated Chickens.

(a) Purpose. This section is intended to establish a process and the recommended threshold conditions under which small scale keeping of domestic chickens for personal use and enjoyment on residentially zoned lots at least one-quarter (1/4) acre in size may be considered for approval through the issuance of a chicken keeping permit.

(b) Definitions. All terms used herein shall have the meaning described below:

Domestic(ated) Chicken(s) means Gallus domesticus.

(c) Keeping of up to four (4) domesticated chickens may be permitted on a non-commercial basis and subject to the following conditions:

- a. The minimum lot size required in order to be considered for a permit to keep domesticated chickens shall be one-quarter (1/4 or 0.25) acre in area;
- b. The minimum size requirements for a hen house (a hen house is required) is not less than three (3) cubic feet of space per bird and the hen house must connect to a secure and fully ventilated pen (also required) which contains not less than seven cubic feet of space per bird and an appropriately sized nesting box (also required) shall be provided at the rate of not less than one box per every

two birds. Pens shall be properly sized as will permit full spread of the kept birds wingspan and allow the bird(s) to walk/run;

- c. No person shall keep a rooster or a crowing hen;
- d. No chickens may be kept within a principal residence or garage;
- e. Chicken keeping shall be conducted only by the owner occupant (or a tenant with the property owners express written consent for the use) of a property zoned and used for single family detached residential purposes only. No chicken may be kept at mobile homes, condominiums, apartment complexes, duplexes, or any other multiple-family property;
- f. No person shall keep chickens in any location on the property other than in the back yard;
- g. Hen houses and chicken pens shall not be located closer than 75 feet from the ordinary high water mark of any lake, river, or stream;
- h. If a chicken dies, it must be disposed of promptly in a sanitary manner;
- i. Chickens shall be kept and handled in a sanitary manner;
- j. Chickens shall be kept as pets and for personal use only. No owner shall engage in chicken breeding or fertilizer production for commercial purposes including, but not limited to, farmer's markets;
- k. The slaughtering of chickens is prohibited;
- l. Chickens must be kept in hen house and chicken pen at all times when not being monitored by a responsible individual, over 18 years of age and able to immediately return the hens to the chicken pen or hen house if necessary. Chickens shall always be secured within the hen house during non-daylight hours;
- m. All structures and enclosures related to the keeping of chickens must be at least 50 feet from a neighboring principal residence, at least five feet from the side and rear property lines, and at least five feet from the residence upon the property where the chickens are kept;
- n. Noise from chickens may not be loud enough at the property boundaries to disturb a person of ordinary sensitivity;
- o. The hen house shall be properly designed and laid-out on/over a hard surface and maintained as will provide safe and healthy living conditions for the chickens, and the pen shall be properly designed and laid out over a stable and vegetated, stone, gravel or similar pervious base, all while minimizing adverse impacts to other residents in the neighborhood through use of materials, colors, architecture and spatial site layout that are complimentary to the existing buildings on the premises and the surrounding area;
- p. Enclosures must be cleaned not less than twice weekly, kept dry and 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;
- q. The hen house shall be enclosed on all sides and have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird-proof wire or fence of no more than one-inch openings;
- r. All enclosures for the keeping of chickens must provide adequate ventilation as well as sun protection, and be sanitary, insulated, weatherproof and impermeable to rodents, wild birds, and predators, including dogs and cats and similar. It must also be structurally sound, moisture-proof and maintained in good repair with sufficient space for freedom of movement and retention of body heat with elevated perches for natural roosting position. The nesting boxes must be elevated off the ground;
- s. Any proposed lighting attendant to the chicken keeping use shall be presented for consideration;
- t. Provisions must be made for the routine regular removal and lawful disposal of chicken manure in order to prevent any adverse effects related to odor or unsanitary conditions;
- u. Any person applying for a chicken keeping permit, shall provide evidence of proper Livestock Premises Registration with the State of Wisconsin as an exhibit to be included with the chicken keeping permit document prior to issuance;
- v. Approved chicken keeping accessory structures and related fencing/enclosures may require the

issuance of a building permit(s), electric permit(s) and similar. It is the applicant's responsibility to secure any required permits prior to the start of any construction or installation.

- w. A hen house, secure pen and/or nesting boxes will not generally be included in or counted against the maximum permitted square footage or overall quantity of accessory storage buildings permitted on a property.
- x. At such time as this Ordinance becomes effective, the fee rate for a chicken keeping permit in the Village of Pewaukee shall be \$25, which fee may be modified from time to time thereafter at the discretion of the Village Board.

*Please note: Any request for a chicken keeping permit must be accompanied by site and architectural plans presented in such detail as may be required by the Village Staff in order to make a fully informed evaluation of the request and demonstrating compliance with the aforementioned design, placement and management requirements. Permit applications not meeting the aforementioned requirements shall not be issued. The applicant for a permit may appeal the denial of a permit to the Village Planning Commission by submitting an appeal request to the Village Administrators office not less than 30 days after the denial.

SECTION TWO: All ordinances or parts of ordinances contravening the terms and conditions of this ordinance are hereby to that extent repealed.

SECTION THREE: The several sections of this ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of other portions of the ordinance.

SECTION FOUR: This ordinance shall take effect immediately upon passage and publication as required by law.

Passed and adopted this 19 day of May, 2020, by the Village Board of the Village of Pewaukee.

APPROVED:


Jeff Knutson, Village President

Countersigned:


Cassie Smith, Village of Pewaukee Clerk