

**TOWN OF CEDARBURG
ORDINANCE NO. 2017-5**

An Ordinance to Amend Chapter 95: Animals, of the Town of Cedarburg Code of Ordinances, Ozaukee County, Wisconsin, to Permit the Keeping of Chickens in Residential Districts.

WHEREAS, The Town of Cedarburg is a body corporate and politic; and

WHEREAS, the Town Board exercises village powers by Ch. 61, Wis. Stats.; and

WHEREAS, the Plan Commission has reviewed the Town Code regarding the keeping of chickens on residential properties, has reviewed ordinances regulating the keeping of chickens for other Wisconsin communities, has reviewed this ordinance, and has made a favorable recommendation to the Town Board for its adoption; and

WHEREAS, the Town Board held a public hearing regarding the proposed amendments, a notice of which was published twice, once at least ten days prior to the date of the hearing,

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, that Chapter 95 of the Town of Cedarburg Code of Ordinances is hereby amended to read as follows:

**(The text modified with a strikethrough shall be deleted).
(The text modified with an underline shall be added).**

Chapter 95. Animals

§ 95-13. Protected animals; keeping of wild animals.

C. Wild animals; prohibition on keeping. It shall be unlawful for any person to keep, maintain or have in his possession or under his control within the Town any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have in his possession or under his control within the Town any of the following animals, reptiles or insects, except in those situations where a state game farm license has been issued:

(28) Except Unless specifically permitted in properly-zoned districts, horses, mules, ponies, donkeys, cows, pigs, goats, sheep, fowl chickens (except chickens per Section 95-24) or any animal raised for fur-bearing purposes unless otherwise permitted elsewhere in this Code.

(The following text shall replace the current Section 95-24).

§ 95-24. Keeping of chickens.

A. In any non-agricultural zoned district, no person shall keep, harbor or have in his possession or under his control any chickens, or have any chicken coop or yard within the Town without first complying with this section. The keeping of hen chickens is permitted as an accessory use in all residential zoning districts in accordance with the regulations prescribed in this

section, subject to any private restrictions, land covenants, homeowners association and/or subdivision rules and regulations. The provisions of this section do not apply to E-1 Estate District, which allows for noncommercial agriculture use.

- (1) There must be an insulated coop enclosed on all sides with a roof and doors and a connected fenced-in run area that is fully enclosed to contain the chickens and protect them from predators and the elements. Free range chickens are prohibited. Run fences can be no taller than six feet in height.
- (2) No part of the coop structure or fenced-in run shall be located in the front yard, nor shall it be located closer than forty (40) feet to the side or rear property lines. No part of the coop structure or fenced-in run shall be located closer than twenty-five (25) feet to the residence or attached garage. An inspection is required for the coop and run as part of the license procedure, and will occur after all related improvements are made to ensure they are properly located and installed for the number of proposed chickens.
- (3) The coop must be kept clean, dry and in a sanitary condition at all times.
- (4) The maximum number of hens per premise is six (6). Adjoining lots having common ownership shall be considered as one premise.
- (5) No person shall keep, possess, allow, or harbor any rooster.
- (6) In addition to compliance with the requirements of this section, no one shall keep, allow, or harbor a chicken that causes any nuisance, unhealthy condition, creates a public health threat, or otherwise interferes with the normal use of property and the enjoyment of life by humans.
- (7) Chickens are for personal (non-commercial) use only and not for any business related purposes. The selling of eggs, chickens or byproducts is prohibited.
- (8) Property owners shall be required to obtain a license with fee per the Town Fee Schedule to be paid before chickens are kept on the property. The license shall be renewed annually (license period January 1 – December 31). Applications for a license to keep chickens under this section shall be made to, and on a form prescribed by, the Town Clerk. The license application must include a proposed site plan for the coop and run area that shows compliance with all applicable requirements under this section.
- (9) The Town shall have the authority, whenever it may deem reasonably necessary, to enter a structure or property where a chicken is kept to ascertain whether the permittee is in compliance with this Section. The permittee shall be responsible for all costs associated with inspections.
- (10) A license may be revoked by the Town if the licensee violates any provision of this section. A new license cannot be issued to the licensee or the licensee's property until one (1) year after the date of revocation.

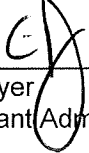
(The following Section shall be renumbered).

§ 95-24 25. Violations and penalties.


**(The above text modified with a strikethrough shall be deleted).
(The above text modified with an underline shall be added).**

This ordinance shall be in full force and effect upon its passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, this 6th day of September, 2017.



Eric Ryer
Assistant Administrator/Clerk



David M. Salvaggio
Town Chairman

