

ORDINANCE NO. 2023-08

**AN ORDINANCE CREATING SECTION 7-1-25, KEEPING OF CHICKENS WITHIN THE CITY LIMITS,
OF THE MUNICIPAL CODE OF THE CITY OF HORICON**

THE COMMON COUNCIL OF THE CITY OF HORICON DOES ORDAIN AS FOLLOWS:

Section 7-1-25 KEEPING OF CHICKENS WITHIN THE CITY LIMITS of the Municipal Code of the City of Horicon is hereby created to read as follows:

Sec. 7-1-25 KEEPING OF CHICKENS WITHIN THE CITY LIMITS.

(a) **Purpose and Intent.** The purpose of this Section is to outline conditions under which City residents may safely keep or maintain a limited number of chickens to assure appropriate chicken coops or structures in which to house chickens, and to protect the health, safety, and welfare of the general population of the City of Horicon.

(b) **Definitions.**

For the purpose of this Section, the following terms have the meaning indicated:

- (1) **Abutting Property.** All property that shares a common boundary with an applicant's property at one or more points except public streets.
- (2) **Backyard.** For purposes of this Section that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersected with an imaginary line established by the rear of the single family structure and extending to the two side lot lines.
- (3) **Chicken.** A domestic female hen of the sub-species *Gallus gallus domesticus*, of any age, including chicks. This definition does not include other kinds of fowl including but not limited to ducks, quails, pheasant, geese, turkeys, guinea hens, peacocks, emus, or ostriches.
- (4) **Coop.** An enclosed structure, building or pen within which chickens roost or are housed.
- (5) **Chicken Run.** An enclosed area, attached to a chicken coop, in which chickens are allowed to run around and peck. The enclosure shall restrain the chickens from escaping.
- (6) **Rooster.** A male chicken of any age, including a capon or otherwise neutered male chicken.

(c) **Keeping of Chickens.**

Chickens may be kept or maintained upon the following:

- (1) Up to six (6) chickens may be raised within a lot zoned R-1 Single-Family Residential District, or a lot zoned R-2 Multi-Family Residential District. One and two family dwellings shall have a maximum of six (6) chickens per parcel.
- (2) Rental tenants of a single-family dwelling or a two-family dwelling that is zoned R-1 Single-Family Residential or R-2 Multi-Family Residential shall abide by the rules set forth in Section E herein, and shall obtain written approval prior to the keeping or

maintaining chickens on the rental premise. The landlord's written approval must accompany the applicant's permit application.

- (3) Chickens may be allowed in the local veterinarian's office for the purpose of observation or treatment.

(d) Chickens are Not Allowed.

Chickens are not allowed to be kept or maintained upon the following:

- (1) Mobile home parks.
- (2) Vacant lots unless the person requesting the permit resides on the abutting property.
- (3) Any multi family residence with more than two units.

(e) Permit Required.

- (1) No owner or tenant shall own, keep, or maintain chickens within the corporate limits of the City without first obtaining a permit.
- (2) Completion of a permit application shall include the name and address of the applicant, the number of chickens to be kept by the applicant at said address, and a site plan detailing property boundaries, location of existing structures, and proposed location of chicken coop and pen area.
- (3) The keeping of chickens shall be subject to the premises registration and all other requirements per Wisconsin Department of Agriculture, Trade and Consumer Protection pursuant to Section 95.51, Wis. Stats.
- (4) The permit year shall commence on January 1, and shall end on the following December 31, and shall be renewed annually. Failure to renew the permit by March 31 will result in the permit being revoked.
- (5) An approved permit shall not transfer to any other property or successor owners of permitted property.

(f) Fees.

- (1) The annual fee for keeping and maintaining up to six (6) chickens shall be set by the Common Council and must be paid to the City Clerk-Treasurer at the time of application. This fee shall not be prorated.
- (2) All renewal permits are due and payable to the City no later than March 31 of the permit year. Failure to renew the permit by April 1 of each year will result in a \$10 late fee.

(g) Property Requirements.

- (1) A coop and any attached enclosure shall be located in the backyard of the permit holder's residence and have a minimum set back of 5 feet (5') from lot line.
- (2) No portion of the coop or chicken run shall be located within twenty feet (20') of any principal dwelling located upon any adjacent property.

(h) Coop Design.

- (1) All chickens shall be kept and maintained within a ventilated and roofed coop in compliance with any applicable state and local requirements.
- (2) 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.

- (3) A coop shall be constructed from conventional building materials in a workmanlike fashion or be a pre-manufactured enclosed structure designed specifically for the keeping of urban chickens. Such coop must be secure and impermeable to rodents, wild birds and predators, including dogs and cats and must be constructed or modified in a fashion to provide a humane environment for the chickens, including adequate ventilation, adequate sun, adequate shade, and adequate protection from adverse weather. A newly built or installed coop cannot exceed twenty-four (24) square feet in size.
- (4) The coop structural floor shall allow at least four (4) square feet per chicken, and the height of the coop shall not exceed six feet (6') above ground level.
- (5) The coop shall have a clear open space to allow the chickens to walk on the ground or a concrete slab not to exceed one hundred (100) square feet including the coop.

(i) Any Person Keeping Chickens.

- (1) Chickens shall be kept within the coop and run area at all times, the free ranging of chickens is prohibited. Between sunrise and sunset, chickens may be allowed outside of the coop in the chicken run. Chickens must be secured within the coop between sunset and sunrise.
- (2) Shall not keep or maintain any roosters or male chickens.
- (3) No slaughtering of chickens shall take place within public view. Slaughter of chickens to be done by a person with training in this line of work and an understanding of humane animal handling and sanitary dressing procedures. Meat shall only be used for consumption by permit owner. Meat shall not be sold.
- (4) No enclosure or coop shall be located on the side or front yard of a dwelling.
- (5) Shall consult with a veterinarian regarding chickens that appear ill, or on the occasion of a sudden death. If a disease that would be contagious to humans is diagnosed, recommendations to insure prevention or transmission of a disease must be followed as recommended by the veterinarian.

(j) Sanitation.


- (1) 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.
- (2) Chicken feed shall be stored and kept in containers which make the feed inaccessible to rodents, vermin, wild birds, and other predators.
- (3) All coops and backyards 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.
- (4) Coops and chicken runs must be kept clean, dry and odor free and kept in a sanitary condition at all times in such a manner as to not disturb the use and enjoyment of abutting property due to noise, odor or any other adverse impact.
- (5) The public nuisance noxious odors standards specified in the municipal code shall apply to the keeping of chickens.

- (k) **Inspection.** The City 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 keeper is in compliance with this Section. The City Police Department may issue compliance orders and citations pursuant to the provisions of this section and state law.
- (l) **Enforcement.** The City shall revoke a permit to keep chickens in the event that the Police Department has issued two (2) or more violations of this ordinance within any six (6) month period.
- (m) **Restricted Covenants.** This ordinance is not intended to interfere with any restrictive covenants otherwise applicable.
- (n) **Penalties.**
- (1) Any violation of this ordinance is subject to a forfeiture of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00). Each day of noncompliance shall constitute a separate violation. This section shall also permit the City Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this Ordinance.
 - (2) Removal of chicken(s). The city may impound or remove any chicken(s) for violations of this chapter. The chicken's owner shall be responsible for costs of the impoundment or removal.

This ordinance shall become effective upon passage and publication as provided by law.

Introduced by Alderperson Forrest Frami, this 25th day April 2023.

Adopted and approved this 25th day of April 2023.



Joshua Maas, Mayor

ATTEST:



Kristen M. Jacobson, City Clerk-Treasurer