

**ARTICLE IV CHAPTER 95-20
THE VILLAGE OF ELM GROVE CODE OF ORDINANCES
KEEPING OF ANIMALS**

THE VILLAGE BOARD OF THE VILLAGE OF ELM GROVE DO ORDAIN AS FOLLOWS:

Section 1: 95-20 Animals for the purpose of this Article shall be defined as any animal, bird or fowl, and fish for the purpose of food production or for keeping as a pet which is not specifically prescribed in section §335-94, definition of household pet.

95-21 Keeping Chickens

A. Definitions. For purposes of this Article, the following definitions shall apply.

CHICKEN shall mean the common domestic fowl of the subspecies *Gallus gallus domesticus*. This does not include other birds or domestic fowl, such as ducks, geese, or turkeys.

ROOSTER shall mean a male chicken that is six months old or older.

B. Permit required. No person shall keep a chicken or chickens in the Village without obtaining a permit.

C. Permit Application Process.

(1) Permit Application Contents. The applicant shall file a written application for a permit with the Village Zoning and Planning Administrator, which includes all of the following:

(a) A description and scale drawing of the lot that clearly represents all existing structures thereon, the location where the chickens will be kept on the lot, the location and dimensions of the coop and the run, and the shortest distances of both the coop and run to adjacent lot lines and to the principal structure on the lot.

(b) A description and elevation and floor plan drawings of all fencing, coops and other structures to be used for enclosing the chickens, which will require a separate review and approval of the Building Board prior to issuance of any permit. The drawings shall show any electrical and plumbing fixtures provided for such coop, fenced area and other structures.

(c) A description of the plan to ensure the proper maintenance and cleaning of the area where the chickens will be kept.

(d) A description of the plan to ensure the proper feeding, shelter, and care of the chickens.

(e) Proof of registration of all chickens with the State of Wisconsin Department of Agriculture, Trade and Consumer Protection.

(f) Payment of the non-refundable permit application fee as established by the Village Board of Trustees from time to time.

(2) Action on application.

(a) The Zoning and Planning Administrator shall provide notice of the application, by regular mail, to the subject property owner (if not the applicant) and to the owners of all properties that directly abut the subject property at any point, including those properties that abut a path or right-of-way directly across from the yard on the subject property where the chickens will be kept.

(b) If the application complies with the conditions in Subsection D. of this Article and there are no written objections from such owners within 30 days from the date of mailing of the notices thereby deeming that the application for the permit has been accepted by such owners, the Zoning and Planning Administrator shall forward the application to the Building Board for review.

(c) If there is an objection from such owners, there shall be a public hearing before the Plan Commission, and the Plan Commission shall approve the application only upon finding that the proposal to keep chickens:

[1] Has minimal impact on the neighboring properties; and [2] Complies with the conditions in Subsection D. of this Article.

If approved by the Plan Commission, the coop shall be forwarded to the Building Board for review.

(d) The Zoning and Planning Administrator shall issue a permit under this Article upon approval of the coop and run by the Building Board.

(e) Any aggrieved party shall have the right to appeal the decision of the Plan Commission or the Building Board to the Board of Appeals.

D. Permit Conditions. The keeping of up to four (4) chickens, with a permit, is allowed on a single-family residential premises, subject to the following:

(1) All chickens shall be registered with the State of Wisconsin Department of Agriculture, Trade and Consumer Protection.

(2) No person shall keep any rooster.

(3) Slaughter of chickens is permitted for the permittee's personal use only.

(4) Chickens shall be provided at all times with fresh water and adequate amounts of feed.

(5) Chickens shall be provided with a sanitary and adequately sized covered chicken coop that is at least sixteen (16) square feet and no more than twenty four (24) square feet in size and a fenced run shall be provided which does not exceed an area of sixty-four (64) square feet. Fencing shall be a maximum three (3) feet in height and be of solid wire, not braided wire, and properly fastened to the ground with stakes. All chickens shall be contained in these areas at all times.

(6) Chicken coops shall be constructed in a workmanlike manner, be moisture-resistant and either raised up off the ground or placed on a hard surface, such as concrete, patio block or gravel. Chicken coops shall be considered a Structure and require a building permit. Prior to approval of the building permit the Building Board shall review the plans and specifications utilizing the following standards:

(a) Chicken coops shall be treated as Accessory Structures for the purpose of location and construction standards, per zoning code for the district with the following additions:

[1] The nearest point of the chicken coop and the run must be at least 30 feet away from any residential structure, deck or patio on another lot;

[2] All parts of the chicken coop and the run are prohibited in any front and side yards;

[3] No part of the chicken coop or the run can be closer to a side lot line than the closest distance between that lot line and the principal structure on the lot; and

[4] Without Plan Commission Approval, in no case shall any chicken coop or run be located closer to an adjoining property's principal structure than to the permittee's principal structure.

(b) Chicken coops shall be compatible with the principal structure.

(7) Chicken coops and runs shall be constructed and maintained to prevent the collection of standing water, and shall be cleaned daily of chicken droppings, uneaten feed, feathers and other waste and more often as is necessary to ensure the coop and run do not become a health, odor or other nuisance.

(8) In addition to compliance with the requirements of this section, no one shall keep chickens that cause any nuisance, unhealthy condition, create a public health threat or otherwise interfere with the normal use of property or enjoyment of life by humans or animals.

(9) The keeping of chickens shall at all times be conducted pursuant to the plans and representations made in the permit application.

(10) Nothing herein shall be interpreted to authorize the conduct of a business or commercial use on a residential property. No sales of eggs, meat, chicks, chickens or chicken raising supplies shall be made from a residential property.

(11) Costs that the Village may incur in inspection, investigation, testing, quarantine, isolation, vaccination, humane euthanasia, or otherwise arising from the subject property owner's keeping of chickens, may be charged to the property owner, and such charges that remain unpaid within the time allowed may be imposed on the tax bill for the subject property as a special charge, pursuant to § 66.0627, Wis. Stats., and Chapter 67, Article III, of this Code.

E. Public health requirements. Chickens shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds and other animals or to humans.

(1) Any person keeping chickens shall immediately report any unusual illness or death of chickens to the Waukesha County Health Department.

F. Effect of the permit. The permit shall allow the applicant to keep up to four chickens on the subject property in compliance with this section. A new permit is not required for the applicant to raise new or replacement chickens on the property, provided that the total shall not exceed four chickens at any time. The permit shall lapse automatically if no chicken is kept on the property for any consecutive twelve-month period. The permit is not transferable from the applicant to any other person, and does not run with the land to a new owner or occupant of the property.

G. Revocation. A permit is subject to revocation by the Village Manager or designee upon failure to comply with any provisions of Subsection C or D. Once a permit is revoked, a permit shall not be reissued to the applicant or for any property where the applicant resides or may reside in the Village.

H. Duration. The permit issued pursuant to this section shall have a duration of one year, unless the permit is revoked or lapses pursuant to the provisions of Subsection F or G, above, prior to the expiration of said term.

I. Permit renewal. Permit renewals shall require an inspection by the Zoning and Planning Administrator or their designee prior to the issuance of any renewal. The fee for said renewal shall be 50% of the permit application fee stated in this Article.

J. Removal. The chickens shall be immediately removed from the property upon lapse, revocation or expiration of the permit for keeping chickens. The chicken coop, the run, fencing and associated structures and structural elements shall be completely removed from the property within 15 days of the lapse, revocation or expiration of the permit for keeping of chickens.

§ 95-22 Violations and penalties.

Any person who shall violate any provision of this article or any rule or regulation made under this article shall be subject to a penalty as provided in § 1-16 of this Code.

Section 2: If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of such ordinance.

Section 3: This ordinance shall take effect and be in full force from and after its passage.

VILLAGE OF ELM GROVE

Dated this _____ day of _____, 2020.

Neil H. Palmer, Village President

Michelle Luedtke, Village Clerk