

ORDINANCE 2023-2

**AMENDING THE VILLAGE OF FREDONIA CODE OF ORDINANCES
CHAPTER 168 ANIMALS
168-15 – Regulating domestic fowl.**

The Village Board of the Village of Fredonia does ordain as follows:

1. Section 168-15 is amended as follows:

§ 168-15 Regulating domestic fowl.

A. Purpose and intent. The purpose of this section is to outline conditions under which Village residents may safely keep or maintain a limited number of chickens, to ensure appropriate chicken coops or structures in which to house chickens, and to protect the health, safety and welfare of the general population of the Village of Fredonia.

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

ABUTTING PROPERTY

All property that abuts an applicant's property at one or more points except public streets.

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.

COOP

Coop shall mean an enclosed structure, building or pen within which chickens roost or are housed.

YARD, REAR

Rear yard shall be defined the same as in Village of Fredonia Zoning Code § 575-124A.

C. Keeping of chickens. Chickens may be kept or maintained upon the following:

(1) Up to six chickens may be raised within a lot zoned single-family residential or two-family residential.

(2) Rental tenants of a single-family dwelling or a two-family dwelling shall abide by the rules set forth in Subsection E herein and shall obtain the written approval of their landlord prior to the keeping or maintaining of chickens on the rental premise. The landlord's written approval must accompany the applicant's permit application.

(3) Educational facilities are allowed to keep chickens for educational purposes only.

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

(5) In addition to six adult chickens, newly hatched chickens (chicks) living in a brooder may be kept in a residence or outbuilding up to the age of three weeks.

D. Chickens 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 and the coop cannot be easily seen from the street.

(3) Any property zoned multifamily residential.

(4) Condominiums.

(5) The keeping of chickens in any nonresidential district will only be allowed with the special approval of the Village Board.

E. Permit required.

(1) No owner or tenant shall own, keep or maintain chickens within the corporate limits of the Village without first obtaining a permit.

(2) The permit shall be renewed annually. The permit year shall commence on January 1, and shall end on the following December 31.

(3) A permit granted shall not transfer to any other property or successor owners of permitted property unless all provisions of this section are met.

F. Fees.

(1) The annual fee for keeping and maintaining up to six chickens shall be as set forth in the current Village Schedule of Fees and must be paid to the Village Clerk-Treasurer at the time of application. This fee shall not be prorated. Amendments to the annual permit fee may be made by Board resolution. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

(2) All renewal permits are due and payable to the Village no later than January 31 of the permit year, or prior to keeping the chickens, whichever is later. 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 Subsection E above.

G. Property requirements.

(1) A coop and any attached enclosure shall be not less than 10 feet 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 Village of Fredonia Zoning Code.

(2) A coop and any attached enclosure shall not be closer than 25 feet to an abutting residence in addition to the restrictions in Subsection G(1) above.

(3) A coop may not be located closer to a neighboring residence than to the residence located upon the coop's parcel.

H. Coop design.

(1) 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.

(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) The coop structural floor shall allow at least six square feet per chicken, and the height of the coop shall not exceed eight feet above ground level.

(4) The coop shall have a clear open space to allow the chickens to walk on the ground or a concrete slab.

I. Any person keeping chickens.

(1) Shall keep or maintain chickens within a coop or attached coop enclosure at all times.

(2) Shall not keep or maintain any roosters or male chickens older than 10 weeks.

(3) Shall not sell any eggs.

(4) Shall not slaughter any chickens on the premises.

(5) Shall ensure that chickens are provided with access to feed and clean water at all times.

(6) 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 prevent the transmission of a disease or its recurrence 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, except as provided in Subsection C(5).

(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 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.

K. Inspection. The Village 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 Village Marshal may issue compliance orders and citations pursuant to the provisions of this section and state law.

L. Enforcement. The Village shall revoke a permit to keep chickens in the event that the Village Marshal has issued three or more violations of this chapter within any ~~six~~ twelve-month period.

M. Penalty. Any person, firm or corporation who shall violate any provisions of this section shall, upon conviction thereof, forfeit a sum per day as set forth in the Village's Schedule of Forfeitures from the date the citation is issued.

[Amended May 4, 2023]

PASSED and ADOPTED by the Village Board of the Village of Fredonia, Ozaukee County, Wisconsin, this _____ day of _____, 2023.

Daniel Gehrke, Village President

ATTEST:

Michelle Johnson, Village Clerk