

ORDINANCE NO. 2019.09-6

AN ORDINANCE REPEALING AND RECREATING THE PROVISIONS OF ARTICLE IV OF CHAPTER 186 OF THE SALEM LAKES MUNICIPAL CODE.

The Village Board of the Village of Salem Lakes, Kenosha County, Wisconsin, does hereby ordain as follows:

SECTION 1. Purpose. The purpose of this ordinance is to repeal and recreate Article IV of Chapter 186 of the Salem Lakes Municipal Code regarding chickens in residential areas.

SECTION 2. Article IV of Chapter 186 Repealed and Recreated. The provisions of Article IV of Chapter 186 of the Salem Lakes Municipal Code regarding chickens in residential areas are repealed and recreated to provide as follows:

**ARTICLE IV
Chickens in Residential Areas**

§ 186-13. Compliance required.

No person, corporation, limited-liability company, partnership or other entity shall raise, harbor or keep chickens on any residentially zoned parcel within the Village unless authorized by and in strict compliance with the provisions of this Article.

§ 186-14. Restrictions.

- A. Properties 15,000 sq/ft to 1 acre are allowed 6 chickens.
Properties between 1 acre and 2 acres are allowed 8 chickens.
Properties larger than 2 acres are allowed 20 chickens.
- B. No person shall keep a rooster. Only hens are allowed.
- C. Any chicken coop or pen area shall be placed only in the side or rear yard.
- D. No person may keep a hen over eight weeks of age in a principal residence.
- E. Chickens may only be kept at single-family residential properties. No chicken may be kept at mobile homes, condominiums, apartment complexes, duplexes, or any other multiple family property.
- F. 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.

- G. Any person keeping chickens shall promptly dispose of any dead chickens in a sanitary manner.
- H. Chickens may not be kept in areas subject to homeowners' association and/or private restrictions which prohibit the keeping of chickens.
- I. No free-range chickens are permitted on residential properties.

§ 186-15. Noncommercial purposes.

Chickens kept under this article may be kept for personal use only, and keepers of chickens shall not engage in any commercial sales of chickens or other endeavor with regard to the chickens permitted hereunder. For purposes of this article, the sale of surplus eggs produced by chickens kept in compliance with this article shall not be considered a commercial endeavor in violation of this article.

§ 186-16. Care and health of fowl.

- A. Chickens shall be kept and handled in a sanitary manner to prevent the spread of communicable disease among birds or to humans. Any person keeping chickens shall immediately report any unusual illness or death of chickens to the Kenosha County Division of Health. The public health administrator may order testing, quarantine, isolation, vaccination or humane euthanasia of ill chickens or chickens believed to be a carrier of a communicable disease.
- B. The cost of such testing, quarantine, isolation, vaccination or humane euthanasia of ill chickens will be charged to the permit holder. Failure to remit payment when invoiced will constitute a civil infraction violation subject to the penalty provided in § 1-4 of this Code. If more than one invoice is issued, failure to remit payment for each invoice is a separate violation.

§186-17. Enclosures.

- A. Chickens must be kept in a hen house and/or chicken pen at all times when not being monitored by a responsible individual able to immediately return the hens to the chicken pen, hen house, or chicken tractor if necessary. Chickens shall be secured within the hen house during non-daylight hours.
- B. All enclosures for the keeping of chickens shall be so constructed and maintained as to prevent rats, mice, other rodents, and animals from being harbored underneath or within the enclosure. All enclosures must meet minimum setback requirements for an accessory structure as required in the zoning ordinance.
- C. The minimum size requirements for a hen house are three square feet per bird, with seven square feet per bird in a chicken pen. One nest box is required for every two birds. Any coop or other structure to house chickens shall not exceed 100 square feet.

- D. Enclosures must be well maintained, clean, dry, kept 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.
- E. 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 of no more than one-inch openings.
- F. All enclosures for the keeping of chickens must provide adequate ventilation as well as sun/shade and be sanitary, insulated, weatherproof and impermeable to rodents, wild birds, and predators including dogs and cats. 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.
- G. No dog, cat, or other domesticated animal which kills a chicken off the permitted tract of land shall, for that reason alone, shall be considered a dangerous or aggressive animal.
- H. An enclosed chicken pen must be provided consisting of sturdy wire fencing of less than one-inch openings. The pen must be covered with wire, aviary netting, or solid roofing.
- I. Only 1 enclosure for the keeping of chickens is allowed per property.

Note: Chicken coops are considered accessory structures by village and county ordinance and must conform to zoning and accessory structure building requirements. Zoning only allows 2-3 structures based on the size of the property.

§ 186-18. Feed and water.

- A. All chicken-related feed and items likely to attract or become infested by rats, mice or other rodents and/or insects shall be protected as to prevent such creatures from gaining access to the feed/items.
- B. The main food source for chickens should be provided in dedicated feeding containers. Scatter feeding is prohibited (small amounts of scratch grains that do not accumulate on the property are allowable).

§ 186-19. Waste storage and removal.

- A. Waste composting on the premises shall be allowed as long as it does not create odors or other nuisances for neighboring properties.
- B. Unless composting as provided in subsection A, provisions must be made for the storage and removal of chicken manure. Manure shall be stored in a fully enclosed

watertight container. No more than 3 cubic feet of manure may be stored on a permitted tract of land.

- C. In addition, the hen house, chicken pen and surrounding area must be kept free from feathers, trash, and accumulated droppings.

§ 186-20. Permit.

- A. Any person who keeps chickens in the Village of Salem Lakes shall obtain a permit from the Village prior to acquiring chickens by completing the application for a chicken permit form. A person who keeps chickens on his or her property shall comply with all of the requirements listed within this section, including acquiring a permit to construct an accessory structure through the Village of Salem Lakes Building Department, if applicable.
- B. Permit holders must register their parcel as a livestock premises with the Wisconsin Department of Agriculture, Trade, and Consumer Protection. Registration can be completed online or by telephone, and must be renewed every three years.
- C. Permit holders must demonstrate ordinance compliance upon initial registration and if a complaint is received thereafter. Compliance shall be determined with an on-site inspection conducted by the Village of Salem Lakes Property Maintenance Officer.
- D. Application and issuance of a permit under this Section constitutes consent by the applicant to the Village of Salem Lakes and any of its employees or agents to enter upon the applicant's property to ascertain compliance with this Section and with the terms of this permit, for as long as the permit is in effect.
- E. Permit shall be posted in a location visible from the street.
- F. No permit shall be issued if the property is in violation of any other ordinances.
- G. No permit shall be issued unless the applicant provides proof of attendance at a class related to the proper care and maintenance of chickens in residential areas approved by the Village.

§ 186-21. Fee.

The initial permit fee to keep chickens will be \$80.00 and include the accessory structure building permit for the coop. The fee for an annual permit to keep chickens thereafter will be \$30.00. This includes an on-site inspection by the Village of Salem Lakes Property Maintenance Officer. Only one license may be issued to each parcel number. Permits must be renewed prior to January 1 and expire December 31 of each year. Late fees will apply after January 31 of each year.

§ 186-22. Violations.

The following act shall be deemed to be a violation of this article:

- A. Any occupant of real estate keeping chickens in violation of any provision of this section.

§ 186-23. Notice and Penalty.

- A. If an inspecting officer determines that a violation of this article exists within the Village, he or she shall cause a written notice of violation to be conspicuously posted on the real estate and to be served personally or by certified mail on permit holder. Said notice shall describe the violation and direct the holder to abate or remedy the violation within 10 days from the date of the notice.
- B. If the permit holder fails to remedy the violation following notice as provided in section A or if such permit holder has received a prior notice of violation, he or she shall be subject to the issuance of a municipal citation for such violation.
- C. The Village Board may revoke the permit of any permit holder violating the provisions of this article if such permit holder has been convicted of violating the provisions of this article within the prior twelve month period.
- D. Any person aggrieved by the revocation or non-revocation of a permit may appeal such decision and have action reviewed by the Village Board by filing a written request for review with the Village Clerk no later than 10 days after the mailing date of the notice of action.
- E. Any person who shall violate any provision of this article shall be subject to the penalty provided in §1-4 of this Code.

§ 186-24. Minors keeping chickens for authorized projects.

Notwithstanding the foregoing, this article does not prohibit a minor from keeping and maintaining not more than one female chicken on a temporary basis on a parcel less than two acres in size if such animal is kept and maintained for purposes of exhibition at a state or county fair or as part of a supervised project sponsored by any public school, state or local government or nationally recognized youth organization (such as 4-H Club, Boy Scouts of America, or Girl Scouts of America), provided that such animal is kept in a manner and in a location which does not constitute a nuisance.

SECTION 3. Severability. Each section, subsection, paragraph, sentence, clause, phrase and provision of the foregoing ordinance is and the same is hereby declared to be severable and if any portion or provision thereof is duly determined to be invalid for any reason, such determination shall not invalidate any other portion or provision thereof.

SECTION 4. Effective Date. This ordinance shall take effect and be enforced from and after publication and posting as required by law.

Adopted by the Village Board of the Village of Salem Lakes, Kenosha County, Wisconsin,
this 9th day of September, 2019.

Diann Tesar

Diann Tesar, President

Attest:

Shannon Hahn

Shannon Hahn, Clerk

Voted Aye

Voted Nay

Abstain

Absent

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