

Chapter 6.07

CHICKENS

Sections

- 6.07.010 Purpose.**
- 6.07.020 Keeping of chickens in single-family residence districts.**
- 6.07.030 Keeping of hens.**
- 6.07.040 Definitions.**
- 6.07.050 Prohibitions.**
- 6.07.060 Requirements.**
- 6.07.070 Permit; Application and Review Process.**
- 6.07.080 Plan Review.**
- 6.07.090 Approval.**

6.07.010 Purpose.

The purpose of this section is to regulate chickens located on property zoned single-family Residential, in the Town of Burlington.

6.07.020 Keeping of chickens in single-family residence districts.

6.07.030 Keeping of hens.

The keeping of hens is allowed by permit under this Section in single-family residential zoning, as defined in the Racine County zoning code, provided the parcel contains an occupied single-family dwelling and provided such hens are kept in compliance with this Section. This ordinance is adopted under the Racine County Sheriffs power for the health, safety and welfare of its residence and for the protection of property.

6.07.040 Definitions

- A. **Chicken.** "Chicken," in this Section, means both hens and roosters generally.
- B. **Hen.** "Hen," in this Section, means a female chicken.
- C. **Rooster.** "Rooster," in this Section, means a male chicken.

6.07.050 Prohibitions.

- A. **Roosters Not Allowed.** Roosters may not be kept on any residential zoned property within the Town.
- B. **Bird Fighting.** The raising or keeping of chickens for fighting purposes, and the instigation of chicken fighting, is

prohibited, as per § 951.08, Wis. Stats.

C. **Business Or Commercial Use Prohibited.**

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

6.07.060 Requirements.

- A. **Where allowed.** Hens may be allowed only in single-family residential zoned and only on parcels that contain an occupied single-family dwelling. Hens shall not be allowed to roam freely on or off a permitted property and must be contained to coops and runs as set forth below.
- B. **Maximum number of hens.**
 - <1/2 acre – 3 hens
 - ½ - 1 acre – 6 hens
 - 1 – 4 acres – 12 hens
- C. **Feed.** All feed for hens must be kept in airtight containers that are out of reach of wild animals
- D. **Coops.** Hen coops are required to house the hens on a property in compliance with this ordinance. An accessory building permit is required for all hen coops and runs. A coop is a building structure that provides housing/shelter for hens and shall meet the following requirements:
 - a. Hens must be provided at least 2 square feet of floor space each.
 - b. A coop must have minimum dimensions of 2 feet long by two feet wide by 4 feet tall.
 - c. There must be at least one nesting box per two (2) hens.
 - d. Coops must include at least one elevated perch to ensure chickens are able to rest in their natural position.
 - e. Coops must be structurally sound, insulated, moisture proof and kept in good repair.
 - f. Coops must have vents to ensure proper ventilation during all times of the year.
 - g. There must be a minimum of one square foot of window for each 10 feet of wall space.
 - h. Coops must be clean, dry and 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.

- i. Coops must be cleared of waste, including fecal matter, dropped food and feathers, and other waste, in order to prevent a buildup of odors and to ensure a healthy environment.

E. During the winter months to protect from inclement weather:

- a. Water must not be allowed to freeze in the winter.
- b. Coops must provide direct access to the chicken run.
- c. No coop shall be located closer than 10 feet to any residential lot line and 25 feet from a neighboring house. Coops (and their runs) may only be located in the rear yard
- d. Bedding needs to be placed in the coop floor to absorb moisture from droppings, water spills, limit odors, and facilitate coop cleaning.

F. Chicken Runs. Hens must have access to an outdoor fenced chicken run, meaning a structure that meets the following requirements:

- a. Each hen shall have at least 2 square feet of space each in the run.
- b. Minimum dimensions - 3 feet wide by 2 feet long by 3 feet tall.
- c. Fencing must have spacing of no more than 1 inch.
- d. Top of the run must also be covered with fencing with spacing of one inch or less.
- e. The run shall be built such that neither hens nor predators are able to get under the run's fencing.

G. General care requirements. Hens must be properly cared for.

- a. Feed must be provided daily and must be proper for hens in accordance with § 951.13.(1), Wis. Stats.
- b. Clean water must be provided at all times and changed daily in accordance with § 951.13. (2), Wis. Stats.
- c. All enclosures for the keeping of hens shall be so constructed and maintained as to prevent rats, mice, other rodents, and animals from being harbored underneath or within the enclosure.

A.

Review Process.

A permit from the Town is required in order to keep hens on property as provided for under this ordinance. Only one permit shall be issued to each parcel number. Permits expire December 31 of each year. Applications shall be made prior to December 1st of each year including for renewals. Late fees will apply after January 31st of each year. Applicant shall submit the following to the Town office:

- a. Completed initial or renewal permit application.
- b. A copy of the proof of registration of the property where hens will be kept with the Wisconsin Department of Agriculture, Trade, and Consumer Protection.
- c. A plan that includes a scaled drawing of the parcel showing the proposed location of the coop and run. The drawing shall include dwelling units on properties within 100 feet of the proposed coop and run location.
- d. Fees as may be applicable
- e. Review and Approval.

6.07.080 Plan Review.

Prior to approval of the initial permit, the plan and location shall be reviewed and approved. Renewal applications do not require resubmission of the plan.

6.07.090 Approval.

Initial and renewal permit applications shall be reviewed by the Town. The Town shall approve or deny such application or may, in their discretion, refer the application for review and action by the Town Board. Upon referral, the Town Board may approve or deny the application utilizing the same criteria under this Subsection. An "initial" application under this Section shall mean an application by a person who has not previously received a permit under this Section for the applied-for location. A renewal application shall mean an application by a current permittee for the same site with the same plans.

A. Private Restrictions. At the time of application, residents shall be advised that obtaining a permit from the Town to own hens does not override any applicable deed restriction, covenant, or homeowners association rule prohibiting chicken

ownership, and shall be advised to review any private restrictions applicable to their properties and/or to consult with their HOAs before applying.

- B. Application and Permit fee.** All fees under this ordinance shall be as set forth in the fee schedule as set by the Town Board by Resolution from time-to-time.
- C. Complaints; Revocation.** Any complaints about Chickens on property, whether for noncompliance, noise or nuisance, shall be made to the Town Hall. Whenever the Town, through its agents or employees, upon inspection of the property complained of, finds the condition of the property to be in violation of this Section, an order shall be issued by the Administrator or their designee, to the owner of the property (and occupant if different from owner) to correct said condition within ten (10) business days. If the order is not complied with or the requirements of this Section are not met, the Town may refuse to approve or renew a permit under the Section. The Town may also revoke any permit granted for noncompliance after providing ten (10) business day notice of the basis for the revocation and opportunity for hearing. Any permittee facing revocation may request a hearing before the Town Board. If a permit is revoked, a permit shall not be reissued for three years. Any person who violates this chapter shall be subject to a penalty as provided in Chapter 1.20 of this code.

Introduced and adopted this 11th day May 2023
by the Town Board of the Town of Burlington,
Racine County, Wisconsin.