

TOWN OF MILTON
ORDINANCE NO. 12-12-021025

AN ORDINANCE ESTABLISHING REGULATIONS FOR KEEPING CHICKENS ON RESIDENTIAL 1 (R-1) PROPERTIES WITHIN THE TOWN OF MILTON.

THE TOWN BOARD OF THE TOWN OF MILTON, COUNTY OF ROCK, STATE OF WISCONSIN, ORDAINS AS FOLLOWS:

SECTION 1. Chapter 12-12 of the Town of Milton Municipal Code shall be created and shall read as follows:

SECTION I. PURPOSE AND INTENT.

It is the purpose of this Chapter to provide standards for the keeping of domesticated chickens, which standards will protect the health and safety of Town residents.

SECTION II. DEFINITIONS.

1. The term "chicken" shall mean a domestic fowl of the subspecies *Gallus domesticus*.
2. The term "coop" shall mean an enclosed accessory structure designed or modified to shelter chickens and meeting the requirements of this Chapter.
3. The term "pen" shall mean a structure attached and contiguous to a coop constructed in a fashion to confine chickens and in compliance with the provisions of this Chapter.

SECTION III. NUMBER AND TYPE OF CHICKENS ALLOWED.

Any owner who obtains a Chicken Permit pursuant to this Chapter may keep up to four (4) female chickens on any parcel zoned R-1 (Residential One) in the Town. Roosters are specifically prohibited under this Chapter.

SECTION IV. COOP AND PEN RESTRICTIONS.

1. Chickens must be kept in a coop and pen and shall not be allowed free-range.
2. Each coop shall provide a minimum of four (4) square feet per chicken, and the contiguous pen shall provide a minimum of eight (8) square feet per chicken.
3. Coops and pens shall not be located in the front yard. Coops and pens shall be at least ten (10) feet away from the side and rear lot lines, and at least twenty-five (25) feet from the closest neighboring residence.
4. Coops and pens must be kept clean, dry, odor free, and kept in a sanitary condition at all times in such a manner as to not disturb the use or enjoyment of adjoining

property due to noise, offensive odor, or any other adverse impact. The coop and pen must be cleaned on a regular basis to prevent the accumulation of waste.

5. To the extent required by Wisconsin Department of Agriculture, Trade and Consumer Protection, the owner must maintain a valid, current registration with that agency for the keeping of chickens.

SECTION V. SLAUGHTERING AND HATCHING PROHIBITED.

1. No person shall slaughter any chicken within the Town under this Chapter.
2. Breeding or hatching chicks is not permitted under this Chapter.

SECTION VI. PERMIT PROCESS AND REVOCATION.

Property owners desiring to have chickens on their property shall first obtain a Chicken Permit under this Chapter. A chicken permit may be sought by submitting to the Town Clerk, in writing, an application containing: (1) the number of chickens to be maintained; (2) proof of appropriate registration with the Department of Agriculture, Trade and Consumer Protection, and the date when such registration will expire or must be renewed; and (3) a detailed drawing or picture of the proposed coop and pen area (collectively, the "Permit Application"). A permit fee of \$10.00, or other such fee as set by the Town Board by resolution, shall accompany the Permit Application. Upon receipt of a complete Permit Application and permit fee, the Town Clerk shall issue a Chicken Permit. The permit shall be personal to applicant and shall not run with the land.

If, during any six-month period, the Town Board receives three or more written complaints from neighboring parcel owners, claiming that the chickens on the permitted parcel is causing an undue annoyance, and if the Chief of Police confirms the validity of these concerns, or if the Town Board finds the Permit holder is non-compliant with the terms of this Chapter, the Town Board shall place the matter on the agenda for the next regular Town Board meeting to consider revoking the Chicken Permit. Both the Permit holder and the complainants shall have an opportunity to be heard at the meeting. If the Town Board finds that the chickens are causing an undue annoyance or there has been a violation of this Chapter, the Chicken Permit shall be revoked.

After a minimum of six months from the date of revocation, an individual whose Permit has been revoked may reapply for a new Permit. However, no such application will be approved without an express finding by the Town Board that the problems underlying the original revocation are unlikely to reoccur.

Any Permit issued hereunder shall be automatically revoked if the Permit holder fails to renew their Wisconsin Department of Agriculture, Trade and Consumer Protection registration or if such registration is revoked.

SECTION VII. PENALTIES FOR VIOLATIONS.

An individual who violates any provision of this Chapter will be subject to the following penalties. In addition to any forfeiture imposed, the court may assess pickup, boarding and impoundment fees, if applicable, as described in 12-12-021025. Each occurrence shall constitute a separate violation, and each continuing day of a violation shall constitute a separate violation.

1. Upon conviction for a first offense of any section of this Chapter within a one-year period, a forfeiture shall be imposed of not less than \$10.00 or more than \$500.00, plus all court costs.
2. Upon conviction for a second offense of any section of this Chapter within a one-year period, a forfeiture shall be imposed of not less than \$20.00 or more than \$500.00, plus all court costs.
3. Upon conviction for a third offense of any section of this Chapter within a one-year period, a forfeiture shall be imposed of not less than \$50.00 or more than \$500.00, plus all court costs.
4. For a fourth and all subsequent offenses of any section of this Chapter within a one-year period, a forfeiture shall be imposed of not less than \$75.00 or more than \$500.00, plus all court costs.

This Ordinance shall take effect upon passage and postings as required by law.