

Ordinance No. 24-3

The Village Board of the Village of Spencer, Marathon County, Wisconsin do hereby ordain as follows:

1. Section 172-16 of the Code of Ordinances of the Village entitled “**Backyard Chickens**”, is hereby created to read as follows:

A. Backyard Chickens. Chickens may be kept on property zoned as single-family residential subject to the regulations set forth in this Section. The privilege to keep chickens as provided for herein shall be generally referred to as “backyard chickens.”

B. Definitions

- (1) “Abutting lot” shall mean all lots that the applicant’s property contacts at one or more points including lots that only contact the applicant’s property at the corners. The exception is lots that are legally abutting but separated from the applicant’s property by a public or private street, alley, or another right-of-way.
- (2) “Chicken” shall mean hens or pullets only and does not include roosters.
- (3) “Chicken-keeper” shall mean a person who owns one or more chickens on his or her property.
- (4) “Chicken enclosure, Chicken coop, housing facilities, enclosure” shall mean the enclosure inhabited by one or more chickens constructed for such purpose.
- (5) “Lot” means a contiguous parcel of land under common ownership.
- (6) “Run” or “Pen” shall mean a fenced or enclosed outdoor space provided for chickens. Runs must be fully enclosed, including all sides and the top.
- (7) “Primary Residential Structure” or “Principal Structure” shall mean any building located on a lot used for living purposes.
- (8) “Private Nuisance” shall mean a condition that materially interferes with the ordinary comfort, use or enjoyment of the property of another.

C. Permit Required. No person shall maintain or keep any chicken within village limits prior to obtaining an annual permit from the Village of Spencer. The permit year shall commence on January 1st of every year and shall expire on December 31st of that same year. Prior to obtaining a permit, the applicant shall provide proof of State Livestock Registration.

- (1) Every Chicken-keeper shall pay the required fee and obtain a permit to keep chickens on single-family property owned and occupied by the permittee.
- (2) A maximum of four (4) chickens may be kept on single-family residential lots upon the occurrence of all the following:

- a. **Application:** A permit application is submitted including, but not limited to, the following information: name of applicant, property address, contact number, and a scaled, dimensioned site plan, showing property boundaries, locations of existing principal and accessory structures, and the proposed location of chicken coop and run area consistent with the standards of practice listed in this section. The materials accompanying the permit application shall include current proof of premises registration through the Wisconsin Livestock Identification Consortium at www.wiid.org or the Department of Agriculture, Trade, and Consumer Protection (DATCP) and the application fee. The Police Department may deny the application if the applicant fails to provide the information and all required materials listed above.
- b. **Inspection:** Upon an approved application, applicant shall be required to schedule an inspection with the Police Department or designee. A permit to keep chickens shall not be issued until the inspection has been completed and premises approved.
- c. **Receipt:** Subsequent to approval for the construction of the required coop and run by the Police Department, a permit to keep chickens issued by the Village of Spencer shall be received by the permittee.

(3) Permits are personal to the applicant that is issued the permit, non-transferrable, and do not attach to or run with the land.

(4) The fee for the initial permit and renewals shall be as established by the Village Board. Annual permit renewal is required and the renewal fee shall equate to the initial permit fee as established by this Section.

(5) If the standards of practice set in this Section are not met and/or maintained after the issuance of a chicken keeping permit, the permit may be revoked by the Village. Once such a permit is revoked, it shall not be reissued for a period of at least two years.

D. Standards of Practice. Every chicken-keeper shall provide the chickens with shelter and bedding as set forth below as a minimum:

(1) All chickens shall be kept and maintained within a detached structure whose sole purpose is the keeping of chickens. Temporary structures or devices are prohibited. An exemption is allowed for chicks which can be incubated indoors for no more than four (4) weeks.

(2) The housing facilities shall be structurally sound, moisture proof, and maintained in good repair.

(3) Chicken enclosures must be constructed and maintained to allow sufficient space for adequate freedom of movement and retention of body heat for each animal.

(4) The chicken enclosure's floor, foundation, and any footings shall be constructed using a hard, cleanable surface such as concrete, wood, linoleum, or hard plastic and shall be resistant to rodents. A dirt floor is not acceptable.

(5) Enough clean bedding material shall be provided in order to provide insulation and protection against the cold and dampness and to promote the retention of body heat.

- (6) Chicken coops shall be enclosed, predator-proof, insulated, and adequately ventilated.
- (7) Chicken coops shall be constructed to provide at least four (4) square feet per chicken, with a maximum area of forty (40) square feet.
- (8) Chicken enclosures shall be constructed and maintained so as to prevent rodents from being harbored underneath or within the walls.
- (9) Chicken feed shall be stored in a vermin-proof container which makes it inaccessible to rodents, vermin, wild birds, and predators.
- (10) The chicken enclosure shall provide elevated perches to allow chickens to rest in their natural roosting positions.
- (11) Chickens shall be secured in the enclosure during non-daylight hours.
- (12) All chicken coops and pen areas shall be set back at least 25 feet from an existing principal residential structure on an abutting lot (new homes and additions shall not necessitate relocation of an existing coop). Chicken coops and pens shall be located at least 7.5 feet from the side and rear lot lines of the subject property and 25 feet from any street on which it abuts.
- (13) No chicken coop or pen area shall be placed in the front yard or any closer to the front lot line than the principal structure.
- (14) The chicken coop shall include a run or pen area of at least 10 square feet per bird for access to sunlight, exercise, soil, and vegetation (maximum area of 80 square feet).
- (15) The run/pen area shall be enclosed with a 6-foot fence, or a fence that is less than 6 feet in height provided it is covered with a mesh or other appropriate coverings which shall include a roof suitable to prevent chickens from escaping the pen area.
- (16) Chickens shall always be secured within the chicken coop and pen area. At no time shall chicken-keepers allow chickens to roam outside of these areas.
- (17) All chicken coops and pen areas shall be kept in a clean, sanitary condition and free from all objectionable odors and shall be subject to inspection and approval of the Police Department. All chicken enclosures, attached runs/pens, and yards where chickens are kept or maintained shall be cleaned regularly to keep them reasonably free from substances, including but not limited to, manure, uneaten feed, feathers, and other such waste so that it does not cause the air or environment to promote the breeding of flies, mosquitoes, or other insects, or to provide a habitat, breeding or feeding place for rodents or other animals, or otherwise be injurious to public health. Manure shall not cause a private nuisance and shall be disposed of either off-site or as fertilizer or mulch for on-site use.
- (18) Chickens shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds or to humans.
- (19) Any person keeping chickens shall immediately report any unusual illness or death of chickens to the Health Department of the county in which the person's property is located.

E. Prohibitions.

- (1) The slaughter of chickens within the Village is prohibited.
- (2) No property shall contain more than four (4) chickens.
- (3) Roosters are prohibited.
- (4) Chicken-keeping within the Village may only occur on single-family residential lots within single-family residential zoning. Chicken-keeping on lots containing any other land uses is prohibited.
- (5) Chickens shall not be kept or maintained within a residential structure, including basements, porches, garages, sheds, or similar storage structures. An exemption is permitted for chicks, allowing them to be incubated indoors for a period not to exceed four (4) weeks.
- (6) The commercial sale of eggs (on or off premises) is prohibited except as otherwise permitted by the State of Wisconsin and United States Department of Agriculture.
- (7) Chickens with infectious diseases capable of being transmitted from bird to bird or birds to humans, including but not limited to, salmonella, avian influenza, etc., are prohibited and should be immediately euthanized by a veterinarian.
- (8) No one other than the owner(s) of the subject property where chickens would be kept may apply for a permit for that property.

F. Exceptions.

- (1) Chickens, when used by educational institutions, only for educational purposes, do not require a permit and are exempt from the requirements of this Chapter.
- (2) If no complaints have been made in the prior year, no inspection of the applicant's property is necessary for permit renewal but may be required at the discretion of the Police Department.

G. Appeals regarding Determinations to Deny Permit.

- (1) Any person denied a permit may file an appeal with the Village Administrator-Clerk/Treasurer within ten (10) business days of the date the notice of denial is postmarked.
- (2) Notices of Appeal shall be filed with the Village Clerk's office in writing, specify the reasons for the appeal and bear the signature of the person making the appeal.
- (3) The Village Board shall decide whether to uphold or reverse the administrative decision of the Police Department or designee.
- (4) The Village Board shall act upon the appeal and issue its written decision within sixty (60) days of the filing of the Notice of Appeal. The decision of the Village Board shall be the

final determination in relation to this issue.

H. Revocations of Permits

- (1) Authority. The Police Department shall have the authority to investigate complaints regarding violations by this Section.
- (2) Revocation of permits may be commenced by complaint filed by Village staff acting in their official capacities or by any abutting property owner.
- (3) Complaints shall be filed with the Village Administrator-Clerk/Treasurer in writing or electronically, specifying the reasons revocation of the permit is necessary, and bear the signature of the person making the complaint.
- (4) The Village Administrator-Clerk/Treasurer shall refer the complaint to the Police Department which shall investigate the complaint and may revoke the permit by giving written notice of revocation to the permit holder if the permit holder has failed to correct any violation or violations set forth in a written warning given by the Police Department.
- (5) Any person(s) aggrieved by the decision of the Police Department may appeal such decision to the Village Board within ten (10) business days of mailing of a written order from the Police Department.
- (6) The Village Board shall decide whether to uphold or reverse the administrative decision of the Police Department.
- (7) The Village Board shall act upon the appeal and issue its written decision within sixty (60) days of the filing of the Notice of Appeal. The decision of the Village Board shall be the final determination in relation to this issue.

2. This ordinance shall take effect after adoption by the Village Board and publication.

Adopted and approved this 12th day of June, 2024.



Harry Toufar, Village President

Attest: 

Chris Helgestad, Village Clerk