

Village of Newburg

FILE NO. 2019-07

AN ORDINANCE

TO ESTABLISH PROVISIONS FOR THE KEEPING OF CHICKENS IN THE VILLAGE OF NEWBURG
PURSUANT TO APPLICABLE WISCONSIN STATUTES

1 WHEREAS, the Village Board has determined that it is in the best interests of the Village
2 to establish provisions for the keeping of chickens.

3
4 NOW THEREFORE, the Village Board of the Village of Newburg, Wisconsin, does hereby
5 amend Section 130.005 of the Municipal Code regarding the keeping of chickens in the Village
6 of Newburg by adopting the following:

7
8 **SECTION I. §130.005 is hereby amended as follows:**

9
10 §130.005 KEEPING OF LIVESTOCK AND POULTRY

11
12 (A) *Regulated.* No person shall keep or maintain any livestock, such as horses, cattle,
13 sheep, goats, or pigs; or poultry (including, but not limited to, chickens, turkeys,
14 ducks, or geese), in any zoning district except agricultural districts.

15 (B) *Exception: Pigs.* One Philippine pot-bellied pig (*sus scrofa*) per single-family
16 household may be kept as a pet, but not for breeding purposes. Bred pot-bellied
17 pigs shall be deemed livestock and are subject to the provisions of division (A)
18 above. In addition, any person having a pot-bellied pig in his or her possession or
19 under his or her control shall be subject to the running at large prohibitions provided
20 for in §130.004.

21 (C) *Exception: Chickens.*

22 (1) No person shall keep or harbor any chickens, or build, erect, or maintain and
23 use any chicken coop or yard within the Village without registering the name
24 and address of the owner, the number of chickens, and obtaining and paying
25 the requisite license fee as set forth in §36.04 of the Municipal Code. Any
26 person requiring a license and failing to obtain a license prior to April 1 of
27 each year or prior to acquiring ownership of a chicken, shall pay a late fee of
28 \$5.

29 (2) Chickens must be contained within a coop or enclosed chicken run and may
30 not be allowed to roam at large within or beyond the property.

- 31 (3) Prior to the issuance of a site license for the keeping of chickens, the owners
 32 of the adjoining and surrounding properties shall be notified by the Village of
 33 the pending license request.
- 34 (4) All chicken coops and runs wherein any chickens are contained shall be kept
 35 in a clean, sanitary condition and free from all objectionable odor or vermin.
- 36 (5) Chicken coops and runs under this section shall be limited to the keeping of
 37 up to a total of four chickens per property, and shall be subject to the
 38 following conditions:
- 39 i. The principal use of the property where as chicken coop and yards
 40 may be permitted is limited to owner-occupied single-family
 41 dwelling and owner-occupied two-family dwellings.
 - 42 ii. No person shall keep any rooster.
 - 43 iii. No person shall slaughter any chickens.
 - 44 iv. Chickens shall be kept in a water-proof, rodent-proof, and
 45 predator-proof enclosure in a fenced-in area.
 - 46 v. Enclosures shall be considered accessory structures and shall be
 47 subject to all requirements of that Chapter. Enclosures shall not
 48 be placed in front yards and shall have a minimum side yard and
 49 rear yard setback of 5 feet. No enclosure shall be placed within
 50 25 feet of any separate residential structure on an adjacent lot.
 - 51 vi. Enclosures for chicken runs may be comprised of welded wire or
 52 chicken wire material but may not be a part of a residential fence
 53 within the property.
 - 54 vii. It shall be the property owner's responsibility to verify that
 55 keeping chickens and chicken coops are permitted uses in any
 56 deed restrictions or covenants applicable to the subject property.

57

58 **SECTION II. ESTABLISHMENT OF FEE**

59

60 Section 36.04 of the Municipal Code shall be amended to include the following fee:

61

<i>License / Permit / Service</i>	<i>Code Section</i>	<i>Fee</i>
Finance <i>(Alphabetically added:)</i> <u>Keeping of Chickens</u>	<u>135.005</u>	<u>\$50 per site</u>

62

63 **SECTION III. MISCELLANEOUS**

64

65 *SEVERABILITY.* The several sections of this Ordinance are declared to be severable. If
 66 any section or portion thereof shall be declared by a court of competent jurisdiction to be
 67 invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or

68 portion thereof directly specified in the decision, and shall not affect the validity of any other
69 provision, sections or portions thereof of the Ordinance. The remainder of the Ordinance shall
70 remain in full force and effect. Any other Ordinances whose terms are in conflict with the
71 provisions of this Ordinance are hereby repealed as to those terms that conflict.
72

73 **SECTION IV. EFFECTIVE DATE**
74

75 This Ordinance shall take effect immediately upon passage and posting or publication as
76 provided by law.

77 Passed and adopted by the Village Board of the Village of Newburg, Washington and
78 Ozaukee Counties, Wisconsin, this _____th day of _____, 2019.

79
80
81 _____

82 Rena Chesak, Village President

83
84

85 ATTEST:

86
87 _____

88 Deanna Alexander, Village Administrator / Clerk