

TOWN OF GRANT
PORTAGE COUNTY WISCONSIN

REGULATING DOMESTIC FOWL

ORDINANCE NO. 2021-01

SECTION 1: PURPOSE

The purpose of this Ordinance is to establish conditions under which small-scale keeping of Domestic Fowl of the types chickens, turkeys or ducks, for personal use and enjoyment may be permitted in lots zoned for R-1 Low Density Residential or R-2 High Density Residential use in the Town of Grant to protect public health, safety and general welfare of the community in the spirit of the goals, objectives and policies set forth in the Town of Grant Comprehensive Plan.

SECTION 2: AUTHORITY

The Town Board has the specific authority under Wis. Stat. § 60.61 and has the general authority under its village powers under Wis. Stat. § 60.22 (3) to adopt this Ordinance.

SECTION 3: ADOPTION OF ORDINANCE

This Ordinance, adopted by a majority of the Town Board on a roll call vote with a quorum present, and voting, and proper notice having been given, provides for the regulation to allow the keeping of Domestic Fowl in R-1 Low Density Residential or R-2 High Density Residential, limited to chickens, turkeys or ducks.

SECTION 4: DEFINITIONS

A. As used in this Ordinance, the following terms shall have the meaning given:

1. **Abutting Property:** All real property that in any way shares a boundary with the real property of the applicant or permittee, including properties which share only a common corner.
2. **Rear Yard:** That portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersected with an imaginary line established by the rear of the single-family structure and extending to the two side lot lines.
3. **Chick:** A newly hatched bird that is not fully fledged.
4. **Chicken:** A common domestic fowl of the subspecies (*gallus domesticus*) of any age, including chicks. 'Chicken' should be interpreted to encompass the singular and the plural.
5. **Chicken Tractor:** A mobile, open-bottomed, often screened enclosure that has sufficient cover for all birds during inclement weather and that is moved to fresh ground daily.
6. **Cockerel:** A young rooster.
7. **Coop:** A cage or small enclosed structure, building and/or pen designed for housing poultry, especially at night within which domestic fowl can roost.
8. **Domestic Fowl:** for the purposes of this ordinance, domestic fowl is defined as chickens, ducks or turkeys.
9. **Duck:** any domestic variety of swimming birds in which the neck and legs are short, the feet typically webbed, the bill often broad and flat, and the sexes usually

- different from each other in plumage
10. **Ducklings:** A young or juvenile duck.
 11. **Free Range:** a method of farming husbandry where the animals, for at least part of the day, can roam freely outdoors, rather than being confined in an enclosure for 24 hours each day with or without restrictive boundaries. Free ranging of Fowl does not preclude the requirement to provide adequate shelter at night and during extreme or inclement weather conditions.
 12. **Poult:** A young or juvenile turkey
 13. **Pullet:** A female chick or young hen under one year of age.
 14. **Rooster:** A male chicken that is six months old or older, sterilized or unsterilized.
 15. **Run:** Fenced area connected to a coop where birds may access outdoor space, where they may sunbathe or dust bathe, forage in grass and scratch in the dirt.
 16. **Turkey:** A large North American gallinaceous bird that is domesticated.

SECTION 5: DOMESTIC FOWL PERMIT

- A. Domestic Fowl Permit Required. No person shall keep Domestic Fowl in R-1 Low Density Residential or R-2 High Density Residential zoning districts of the Town of Grant without obtaining Domestic Fowl Permit hereunder.
1. Fee. An application fee, as determined by the Town Board shall be paid to the Town by the applicant when the Domestic Fowl Permit application is filed.
 2. Application. Application for a Domestic Fowl Permit shall be made using forms provided by the Town Clerk and shall contain a sketch with accurate dimensions showing the location of any proposed coop and run, and distances to lot lines. If the applicant is not the owner of the parcel, the property owner must sign the application certifying approval for the use of the premises for this purpose.
 3. Registration. Any permit application shall be accompanied with satisfactory evidence that the applicant has registered the proposed location with the Wisconsin Department of Agricultural Trade and Consumer Protection pursuant to 95.51, Wis. Stats., and § ATCP 17, Wis. Adm. Code.
 4. Free Range/Open Coop. If the application is requesting the use as free range or an open coop, the Abutting Property owner(s) signature(s) must accompany the application certifying the approval for the use of the premises for this purpose.
 5. The permit year commences on January 1 and ends on December 31 of each calendar year. Permit Applications shall be a one-time application, and shall automatically renew annually, unless revocation of the Permit occurs before the expiration of the permit year.
 6. If there are changes proposed to be made to the information submitted in the original application, a permittee shall submit a new application with proposed changes identified. A permit shall not be transferable in any way.
 7. A Domestic Fowl Permit shall pertain to a single parcel of real property as set forth in the property tax records of the Town of Grant, with the exception that contiguous parcels under single ownership that have been identified on an application may keep Domestic Fowl under one Permit.

SECTION 6: GENERAL PROVISIONS FOR THE KEEPING OF DOMESTIC FOWL

1. The following conditions shall apply to each Permit issued under this Ordinance:
 - a. The number of allowed Domestic Fowl shall be determined by lot size, as follows:

- b. No more than six (6) Domestic Fowl are allowed on a lot size of one (1) acre or less.
 - c. No more than twelve (12) Domestic Fowl are allowed on a lot size greater than one (1) acre and less than two (2) acres.
 - d. No more than eighteen (18) Domestic Fowl are allowed on a lot size greater than two (2) acres.
2. No roosters or vocal cockerels are permitted.
3. Coop. Domestic Fowl shall be housed in a coop system unless free range designation is permitted. All coop and pen systems shall be properly designed, sturdy, insulated and maintained to provide safe and healthy living conditions for Domestic Fowl while minimizing adverse impacts on the neighborhood through use of material, architecture and special site design that are complementary to the existing buildings on the premise and in the surrounding area. Coops which will exceed the threshold for accessory buildings (>100 sq. ft or > \$1000 market value) will be subject to building permit requirements. Brooder systems for chicks, ducklings and poults may be separate from the coop system and may be contained within an existing accessory structure or primary residence. When Fowl are of appropriate age and size to move to a coop and pen system, it shall have the following sizing, construction and location requirements:
- a. Sizing Requirements for Chickens
 - i. Chicks from 0 (zero) to 2 (weeks) shall be a minimum of one-half square feet (0.5 sq. ft.) per Fowl.
 - ii. Chicks from 2 (two) to 4 (four) weeks shall be a minimum of three-quarter square feet (0.75 sq. ft.) per Fowl.
 - iii. Chicks from 4 (four) to 16 (weeks) weeks shall be a minimum of one and one-half square feet per Fowl (1.5 sq. ft.)
 - iv. Chickens, layer type (adults) and broiler type older than 16 (sixteen) weeks shall be a minimum of three square feet (3 sq. ft.) per Fowl.
 - v. Nest Boxes shall be constructed to the size of a minimum of one (1) cubic foot for every four (4) birds. Larger breeds may find a size of one and one-half cubic feet (1.5 cu. ft.) easier to use.
 - vi. Elevated roosting bars for chickens must be provided in the amount of 8 (eight) to 10 (ten) linear feet for each Fowl, the preferred shape being square with rounded edges, two inches (2 in.) to three inches (3 in.) across, not made from metal or plastic and unpainted.
 - vii. Run sizes for all chickens shall be a minimum of ten (10) square feet per Fowl.
 - b. Sizing Requirements for Turkeys
 - i. Turkey Poults from 0 (zero) to 6 (six) weeks shall be a minimum of two (2) square feet per Fowl.
 - ii. Turkey Poults from 6 (six) to 14 (fourteen) weeks shall be three (3) to four (4) square feet per Fowl.
 - iii. Turkey Poults from 14 (fourteen) to 20 (twenty) weeks shall be five (5) to eight (8) square feet per Fowl.
 - iv. Turkeys older than 20 (twenty) weeks shall be a minimum of eight (8) to ten (10) square feet per Fowl.
 - v. Housing facilities for turkeys shall be constructed to meet at least the

minimum standard for adequate feeder (three (3) linear inches per bird) and drinker (one and one-half (1.5) linear inches per bird) space for Turkeys.

- vi. For turkeys kept in confined housing, ventilation is required at a minimum rate of 0.5 cubic feet per minute (cfm) per pound of body weight to dissipate heat. Faster air speeds on their heads can help cool the birds in high-heat situations.
- vii. Roosting bars when provided should be elevated, provided in the amount of at minimum 24 (twenty-four) linear inches per Fowl, the preferred shape being square with rounded edges, three inches (3 in.) to four inches (4 in.) across, not made from metal or plastic and unpainted.
- viii. Run sizes shall be a minimum of twenty (20) square feet per Fowl.

c. Sizing Requirements for Ducks

- i. Ducklings from 0 (zero) to 2 (two) weeks shall be one-half square feet (0.5 sq. ft.) per Fowl.
- ii. Ducklings from 2 (two) to 4 (four) weeks shall be 1 (one) square feet per Fowl.
- iii. Ducklings from 4 (four) to 6 (six) weeks shall be 2 (two) square feet per Fowl.
- iv. Ducklings older than 6 (six) weeks shall be at minimum 4 (four) square feet per Fowl.
- v. Ducklings younger than 2 (two) to 3 (three) weeks should not be allowed to swim since they have not developed the protective oils which keep them warm and dry.
- vi. Ducklings require drinking water of a depth which allows them to submerge their heads at least up to their eyes, but not so deep that they may drown.
- vii. A pond or pool of water is not required for adult ducks, but may be accomplished by providing a shallow, plastic wading pool. Water in wading pools must be changed daily. Use of a wading pool does not preclude the requirement to provide separate, fresh and unfrozen drinking water.

d. Construction Requirements for home constructed coop:

- i. Coops shall be vented via ceiling ridge cap, screened/slotted, adjustable vents on two (2) of four (4) walls of at least twelve (12) square inches.
- ii. Adequate heat, light and airflow shall be provided appropriate to each type of Fowl.
- iii. Floor litter of adequate depth per type of Fowl of pine wood shavings shall be used. Additional shavings and or straw may be needed in cold weather months.
- iv. A ramp of adequate size from ground to coop shall be used for coops constructed more than four (4) inches elevated from the ground.
- v. Coops shall have a constructed floor without contact to the ground except for framing.
- vi. In lieu of a home constructed coop, permittee may utilize a commercially produced, pre-fabricated coop of appropriate sizing for the number and type of Fowl housed.

vii. Chicken tractors may be used in lieu of a pen, but may not be used in lieu of a coop. Fowl using a chicken tractor during daylight hours must have access to fresh water and food at all time.

e. Location Requirements:

- i. No person shall locate a coop in any location on the property other than the rear yard. All coops, pens, or other structure or enclosure associated with the keeping of Fowl must be located outside of any setback area identified in the parcel's zoning district.
4. All fenced areas shall be constructed to prevent the escape of Fowl, with a minimum height of six (6) feet. Fowl shall be safely secured during non-daylight hours.
 5. Domestic Fowl and their Coop shall be kept and maintained at all times in outdoor areas and shall not be permitted inside a principal residence or dwelling, except for the rearing or brooding of chicks to the age of six (6) weeks or poults or ducklings to the age of four (4) weeks.
 6. Domestic Fowl shall be kept and handled in a sanitary manner. All permitted Domestic Fowl shall be provided with access to proper amounts and types of feed, fresh water and adequate shelter at all times. Feed shall be contained in vermin proof and dry containers. Water heaters should be utilized during the winter. Permittees must understand the feeder and waterer sizing and nutritional needs according to the type and number of Fowl kept. Food and water needs differ between different types of Fowl.
 7. The on-site slaughtering of Domestic Fowl is prohibited.
 8. Provisions must be made for the for the timely removal and lawful disposal of Fowl waste in order to prevent any adverse effects related to odor or unsanitary conditions. Fowl waste may not be disposed of at the Town of Grant Transfer Station.
 9. Any selling of eggs shall conform to Wis. Stats. § 97.28 and Wis. Admin. Code ATCP Ch. 88, and any other applicable County or local ordinances.
 10. In addition to compliance with the requirements of this Ordinance, no one shall keep Domestic Fowl that causes any nuisance, unhealthy condition, creates a public health threat, or otherwise interferes with the normal use of property and the enjoyment of life by humans or other animals. Permittees shall consult with a veterinarian regarding Fowl that appear ill or on the occasion of a sudden death which is not due to trauma or predation. If a disease that would be contagious to humans is diagnosed, or if a disease that is of significance to the larger poultry-producing community is diagnosed, recommendations to prevent the transmission of a disease or its recurrence must be followed as recommended by the veterinarian or DATCP.

SECTION 7: INSPECTION, ENFORCEMENT AND PENALTIES

- A. The Town of Grant shall have the power, whenever it may deem reasonably necessary and with at least twenty-four (24) hours' notice via phone or posting a notice on the premises, or three (3) days after postmarking a letter, to enter the property or structure where Domestic Fowl is kept to ascertain whether the permittee is in compliance with this Ordinance. The Town Zoning Administrator or Town Officer may issue compliance orders and citations pursuant to the provisions of this Ordinance and state law.
- B. Any person who shall violate any provision of this Ordinance shall be subject to a citation as not to exceed \$50.00 for the first violation, \$250.00 for the second violation, and \$350.00 for the third violation. A person who is convicted of more than three (3) violations of this section in a two (2)-year period shall automatically forfeit his/her

Domestic Fowl Permit, and shall be ineligible to receive a Permit under this Ordinance for a period of one (1) year after the date of the last conviction.

- C. Revocation. A Permit issued under this Ordinance shall be subject to revocation by the Town Zoning Administrator or Town Official upon failure to comply with any provisions of Section 5 of this Ordinance. Where a permit is revoked, a permit shall not be reissued to the applicant or for any property where the applicant resides or may reside in the Town within a one (1) year period after the date of revocation.
- D. Removal. Domestic Fowl shall be immediately removed from the property upon revocation or expiration of the Permit for keeping Domestic Fowl. The coop, run, fencing and associated structures and structural elements shall be completely removed from the property within sixty (60) days of the revocation or expiration of the Permit for keeping of Domestic Fowl.

SECTION 8: SEVERABILITY

Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

SECTION 9: EFFECTIVE DATE

This Ordinance is effective upon publication or posting. The Town Clerk shall properly publish this ordinance as required under s. 60.80, Wis. Stats.

The Town of Grant voted to adopt this Ordinance on *November 10, 2021*
Ordinance #: *2021-01*

Signed:

Witnessed:

Chairperson

Sharon Schwab

Town Clerk

Ulrich Zimmerman

Supervisor

[Signature]

Dated

11/10/21

Supervisor

Heather M. Sup-Tuech

Posted: Town Hall, Transfer Station, Town Website

Posted: Nov. 19, 2021