

ORDINANCE NO. **18OR003**

An Ordinance regarding Owning, Keeping or Harboring Chickens

The Common Council of the City of Viroqua ordains as follows:

Section 1: Chapter 6.09 of the Viroqua Municipal Code is created to read as follows:

6.09.010 Definitions.

A. Chicken Run or Pen. A fenced or other type of enclosure that is mostly open to the elements, for the purpose of allowing chickens to leave the henhouse or coop while remaining in a predator-safe environment.

B. Henhouse or Chicken Coop. A structure providing shelter for chickens which is completely enclosed.

6.09.020 Licensing Requirements.

A. Any person who owns, keeps or harbors chickens in the City of Viroqua shall obtain an annual license prior to January 1 of each year, or within thirty (30) days of acquiring the chickens. The term year of a license commences on January 1 and ends the following December 31. Residents deciding to own, keep or harbor chickens for successive years must obtain a new license for each term year they own, keep or harbor such chickens.

B. Applicants who don't own the subject property must receive written approval from the owner of the property prior to submission of the application. This paragraph only applies to new license applications.

C. Applicants residing in a two-family dwelling must receive written approval from the other occupant(s) of the two-family dwelling prior to submission of the application. This paragraph only applies to new license applications.

D. A written waste removal and disposal plan shall be submitted with all license applications.

E. Applications must be approved by a majority vote of the City Council.

F. Applications shall be made to the City Clerk and the fee for license shall be \$25.

G. If an investigation by the City or its agents reveals that the owner or occupier of the property owns, keeps or harbors chickens in violation of this section or any other section of the Municipal Code, the City shall have authority to require the owner or occupier of the property to fix, abate or alleviate the problem. If the problem is not satisfactorily abated or alleviated within one week of service of an order to abate, the City of Viroqua shall have the authority to revoke the license.

6.09.030 Use Conditions. Any owner, occupier, or user of the property within the City of Viroqua who chooses to own, keep or harbor chickens shall be limited to the following conditions:

A. One property is limited to owning, keeping or harboring up to six (6) chickens. In a two-family dwelling each unit may own, keep or harbor up to six (6) chickens.

B. A person may only own, keep or harbor chickens on property being used as a one-family dwelling or two-family dwelling in areas zoned R-1 or R-2 as defined in Section 17.08.010.

C. No person shall keep any rooster.

D. The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure within the backyard of the property at all times.

E. Noise shall not be perceptible at the lot lines to the extent it results in a public nuisance. It shall be unlawful for any person, firm, corporation or entity operating, having charge of, or occupying any building to own, keep, harbor or allow to be kept any chicken which shall habitually by any noise disturb the peace and quiet of any person in the vicinity thereof.

6.09.040 Structures.

A. Enclosed and Predator Resistant Structure. Chicken runs, pens, henhouses and coops shall be enclosed and constructed of durable materials to prevent entry by predators or the escape of chickens. All walls, ceiling and roof areas shall also be protected against entry by predators.

B. Construction Materials. Chicken runs, pens, henhouses and coops shall be constructed of weather-resistant materials that can readily be cleaned, maintained and kept in good appearance.

C. Elevation of Structures. Henhouses and coops shall be elevated at least eighteen (18) inches above grade, with an elevated floor that will prevent entry by rodents, pests and predators.

D. Minimum Area per Chicken in Henhouse or Coop. The henhouse or coop shall provide not less than four (4) square feet of area per chicken.

E. Minimum Area per Chicken in Run or Pen. A chicken run or pen shall be provided and be large enough to allow freedom of movement, but shall provide not less than four (4) square feet of area per chicken.

F. Feed and Water Required. Adequate feed and water shall be continuously provided in such a manner to provide protection against freezing. Food shall be stored in an enclosed container to prevent rodents or other pests from gaining access thereto or coming into contact therewith.

6.09.050 Setbacks.

A. Chicken runs, pens, henhouses and coops shall be set back from all adjacent residences not occupied by the applicant by not less than twenty-five (25) feet and not less than fifteen (15) feet from any lot line.

B. Chicken henhouses and coops shall be set back not less than twenty (20) feet from the applicant's residence.

C. All structures relating to chickens shall be located in the rear yard of the residence.

D. No facility for storing manure or feed shall be located within one hundred (100) feet of any adjacent residence not occupied by the applicant and not less than fifty (50) feet from any lot line.

6.09.060 Public health and safety concerns.

A. No person shall keep any chicken within the City of Viroqua in any unsanitary condition or within such proximity of dwelling houses or in any manner so as to be a nuisance.

B. All chicken pens, runs, henhouses and coops shall be kept in a clean, sanitary condition and free from all objectionable odors. Odors shall not be perceptible at lot lines. Conditions that cause odor to be perceptible at the lot lines shall be deemed a public nuisance.

C. The City of Viroqua and their agents shall have jurisdiction to inspect the premises upon which chickens are kept and ascertain and determine whether the conditions are unsanitary or if for any reason a nuisance is caused thereby.

D. If the City of Viroqua or its agents determine that conditions are unsanitary, or if for any reason a nuisance exists, they shall have authority to order the owner or occupant of the premises to abate the nuisance and it shall thereupon be unlawful to keep chickens on the premises. If the nuisance is not satisfactorily abated or alleviated within one week of service of an order to abate, the City of Viroqua may take action to abate the nuisance. The cost of abatement shall be assessed against the property as a special tax or charge.

6.09.070 Complaints. A complaint against any person owning, keeping or harboring chickens in accordance with this section may be filed with the City Clerk or the Viroqua Police Department.

6.09.080 Penalty. Any person who violates this ordinance shall be required to forfeit not less than \$25 nor more than \$200 for each violation, together with costs of prosecution, and in default of payment thereof shall be imprisoned in the County jail until such forfeiture costs are paid, not exceeding 30 days. Each day a violation occurs shall constitute a separate offense. Any chicken run, pen henhouse or coop maintained in violation of this ordinance is hereby declared to be a public nuisance.

Section 2: This ordinance shall take force and be in effect upon passage and publication, or publication of a "summary" meaning a brief, precise and plain-language description that can be easily understood.

Karen M Mischel Date: 11/13/18

Karen M. Mischel, Mayor

Lori Polhamus Date: 11/13/18

Lori Polhamus, Clerk

Passed 1st time at council meeting on 10/30/18

Passed 2nd time at council meeting on 11/13/18

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