

**ORDINANCE No. 2014-10**

**AN ORDINANCE REGARDING KEEPING OF  
CHICKENS ON RESIDENTIAL PARCELS**

The Village Board of the Village of Bristol, Kenosha County, Wisconsin, do ordain as follows:

**SECTION I. ADOPTION OF PROVISIONS; RENUMBERING OF SECTIONS.**

Section 7-1-11 of the Village of Bristol Code of Ordinances is renumbered to Section 7-1-13 and a new Section 7-1-11 is created to read as follows:

**Sec. 7-1-11 Keeping of Chickens on Residential Parcels.**

- (a) **Purpose.** The purpose of this Section is to provide standards for the keeping of a limited number of domesticated chickens and other poultry on residential parcels in the Village of Bristol on a non-commercial basis while limiting the potential adverse impacts on the surrounding neighborhood. The Village recognizes that the keeping of backyard chickens helps provide locally produced, affordable and sustainable food. In addition, the keeping of such chickens can also provide animal companionship, weed and insect control, and nitrogen-rich fertilizer. The Village of Bristol recognizes, however, that potential adverse impacts may result from the keeping of domesticated chickens as a result of odor, unsanitary waste removal and storage practices, noise, improper living conditions, non-confined poultry leaving the owner's property, and the attraction of predators, rodents or insects. This Section is intended to balance these interests. This Section is not intended to apply to indoor non-poultry birds kept as pets, including, but not limited to, parrots and parakeets, nor to the lawful transportation of fowl through the Village of Bristol.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
  - (1) **Chicken.** Includes the following types of poultry and fowl: chickens, ducks, pigeons, doves, and quail. [Note: Other poultry types are specifically addressed in this Section.]
  - (2) **Chicken Coop.** A structure or building for the sheltering of chickens or other poultry. An existing shed or garage may be utilized for this purpose if it meets the standards of this Section, including required

distances to property lines and neighboring residences. Also known as a "hen house" or "chicken house".

- (3) **Chicken Pen/Run.** An outdoor fenced area for poultry grazing and exercise use associated with a chicken coop structure. Also known as a "run".

- (c) **Where Permitted.** Chickens may be raised on the following residential-zoned lands, as defined in the Village of Bristol Zoning Code, in accordance with the regulations prescribed in this Section:

- (1) R-1 Rural Residential District [five (5) acre lots].
- (2) R-2 Suburban Single-Family Residential District [forty thousand (40,000) sq. ft. lots].
- (3) R-3 Urban Single-Family Residential District [twenty thousand (20,000) sq.ft. lots].
- (4) R-4 Urban Single-Family Residential District [fifteen thousand (15,000) sq. ft. lots].
- (5) R-5 Urban Single-Family Residential District [ten thousand (10,000) sq. ft. lots].
- (6) R-6 Urban Single-Family Residential District [six thousand (6,000) sq. ft. lots].
- (7) R-6A Urban Single-Family Residential District (Lake) [six thousand (6,000) sq. ft].

- (d) **Permit Required; Application Requirements.** No chickens may be kept in the Village of Bristol on parcels with a residential zoning classification except pursuant to a permit obtained from the Zoning Administrator or Village Clerk-Treasurer under this Section. A permit may be issued upon the applicant's meeting of the application requirements below and the husbandry and location standards of this Section:

- (1) **Consent From Adult Residents.** The applicant must provide the written consent from all adult residents residing on the parcel for which the permit is sought.
- (2) **Consent From Two-Family/Three Family Neighbors.** In the case of an applicant residing on a parcel with a two-family or three-family residence, the applicant must furnish with an application the written consent from the adult occupants of the other residential unit(s) on the parcel.
- (3) **Site Plan.** The applicant shall provide a site plan showing the location and dimensions of the proposed chicken coop and any associated pen/run, and the distance of the coop and pen/run from all lot lines and principal structures located on adjacent lots.
- (4) **Fee.** The applicant shall make payment of the initial permit fee or renewal fee prescribed in Sec. 1-3-1. Permit fees will not be pro-rated in the case of mid-year applications.
- (5) **Inspection Consent.** Application and issuance of a permit under this Section constitutes consent by the applicant to the Village of Bristol and any of its employees or agents to enter upon the applicant's

property to ascertain compliance with this Section and with the terms of the permit, for as long as a permit is in effect.

(6) **Permit Issuance; Appeals.**

- a. Permits will be issued by the Zoning Administrator or Village Clerk-Treasurer upon a finding that all conditions for a permit have been met. Written notice of the granting or denial of an application shall be provided to the applicant and to any person who has filed an objection to the granting of the permit. If a permit is denied, the Village will provide the reasons for such denial.
- b. The Village may specify maximum size limits for a chicken coop and/or pen/run as a condition of permit issuance.
- c. Any person aggrieved by the granting or denial of a permit may have such grant or denial reviewed by the Village Board by filing a written request for review with the Village Clerk-Treasurer no later than ten (10) days after the mailing date of the notice of grant or denial.
- d. Permits under this Section shall be valid for a period of one (1) year, expiring on January 31st of each year.

(e) **Permit Revocation; Citizen Complaints.**

- (1) **Revocation Grounds.** A permit issued under this Section may be revoked by the Zoning Administrator or other enforcement official upon a finding that:
  - a. The permittee has committed a serious violation of this Section, or upon a finding that the permittee has committed multiple or repeated violations of this Section; or
  - b. The permittee has made a material misstatement or omission with his/her permit application.
- (2) **Citizen Complaints.** A citizen may file a written complaint for consideration by the Zoning Administrator or other enforcement official. Upon review, a revocation action may be initiated by the Zoning Administrator or other enforcement official.
- (3) **Revocation Procedures.** The Zoning Administrator or other enforcement official shall provide written notice to the permittee upon the revocation of a permit, and shall include in the notice a listing of the reasons for the revocation and a notice of the permittee's appeal rights as provided in this Subsection. The Zoning Administrator or other enforcement official shall also provide a copy of the notice to any person who has filed a written and signed complaint regarding the permittee, and shall also provide to any such person notice of a non-revocation on the basis of such complaint.
- (4) **Permit Revocation Appeals.** Any person aggrieved by the revocation or non-revocation of a permit may appeal such decision and have the action reviewed by the Village Board by filing a written request for review with the Village Clerk-Treasurer no later than ten (10) days after the mailing date of the notice of action.

- (f) **Chicken Coop Standards.** A coop shall be provided and shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood. Chickens shall be provided with a building or structure ("coop") that meets the criteria set forth below:
- (1) **Location.** The coop shall be located no closer than ten (10) feet to a lot line, and no closer than twenty-five (25) feet to any residence or other occupied structure other than that of the owner, and may not be located in the street or side yard, as that term is defined in Section 13-1-560, except that side yard placement is permitted in the R-1 and R-2 Districts if an associated chicken pen/run a minimum of six (6) feet in height is provided. No coop height shall exceed that allowable in the pertinent zoning district for accessory structures.
  - (2) **Space Per Chicken.** Each mature chicken shall have a minimum of three (3) square feet of coop floor space.
  - (3) **Nesting Boxes.** There shall be at least one (1) nesting box per four (4) mature chickens in the coop.
  - (4) **Elevated Perches.** The coop shall include elevated perches.
  - (5) **Soundness of Construction.** The coop must be structurally sound, moisture-proof, kept in good repair, and attractively finished and maintained. Coop structures shall have a roof and sides, be enclosed on all sides, have at least one (1) door, and be of a design that is secure from predators, including but not limited to dogs, cats, raccoons, skunks, rats, coyotes and hawks. Access doors must be able to be closed and secured to prevent the escape of chickens and the entry of predators. A coop, with attached pen, may be of a moveable design to facilitate grazing provided such unit meets the standards of this Section.
  - (6) **Windows; Ventilation.** The coop shall have adequate windows and vents to provide for proper light and ventilation. A coop must have at least one (1) window. Window and vent openings shall be covered with predator- and bird-proof wire of less than one (1) inch openings. Coops shall be located in a manner so as to provide both shade and adequate sunlight.
  - (7) **Chicken Pen/Run Access.** The coop must provide access to the chicken pen/run.
  - (8) **Temperature.** The coop must be maintained at an internal temperature of not less than 25° F. A heating bulb may be utilized.
- (g) **Chicken Pens/Runs.** Chickens shall at all times be provided with an outdoor fenced area ("pen/run") that meets the criteria set forth below:
- (1) **Location.** The chicken pen/run must be no closer than ten (10) feet to a lot line, and no closer than twenty-five (25) feet to any house or other occupied structure other than that of the owner. A chicken pen/run may not be located in the street or side yard, as that term is defined at Section 13-1-560, except that side yard placement is

permitted in the R-1 and R-2 Districts if a chicken pen/run fence a minimum of six (6) feet in height is provided.

- (2) **Space Per Chicken.** Each mature chicken shall have a minimum of six (6) square feet of ground space within a chicken pen/run.
- (3) **Minimum Dimensions.** The chicken pen/run must have minimum dimensions of three (3) feet wide by three (3) feet long by three (3) feet tall (3' x 3' x 3').
- (4) **Fencing; Mesh Size.** The chicken pen/run sides shall be enclosed with sturdy wire fencing of a mesh size of not more than one (1") inch openings, provided that fencing existing at the time of adoption of this Section with a different mesh size may be maintained.
- (5) **Chicken Pen/Run Roof Fencing.** The chicken pen/run shall be covered with wire fencing or stout aviary netting with a mesh size of openings not more than one (1") inch square, or with solid roofing, to prevent entry by predators, provided that fencing/netting existing at the time of adoption of this Section with a different mesh size may be maintained.

(h) **Miscellaneous Requirements.**

- (1) **Number Limits; Other Poultry Species.**
  - a. The maximum number of chickens which may be kept on a residential zoned parcel is as follows:
    - 1. R-1 Residential lots: Up to a maximum of sixty (60) chickens on conforming lots/buildings.
    - 2. R-2 and R-3 Residential lots: Twenty (20) chickens per acre up to a maximum of thirty (30) chickens.
    - 3. R-4, R-5, R-6 and R-6A Residential lots: Four (4) chickens per lot.
  - b. The keeping of poultry species other than those specified in Subsection (b)(1), such as, but not limited to turkeys, pheasants, guinea fowl, geese and peacocks, is permitted only on parcels forty thousand (40,000) sq. ft. or larger after issuance of a conditional use permit pursuant to the Village Zoning Code (Title 13, Chapter 1, Article E).
  - c. Parcels zoned R-1 Rural Residential District of five (5) acres or more shall have the keeping of poultry governed by Sec. 7-1-10(b)(4).
- (2) **Roosters.** Only female chickens are permitted on residential parcels and the keeping of roosters over four (4) months of age is prohibited on residential parcels except on those parcels zoned R-1, R-2 and R-3 Residential District where one (1) rooster may be kept for every ten (10) hens.
- (3) **Food and Water.** Chickens shall be provided with access to clean water and food at all times; steps shall be taken to keep such water and food unavailable to predators and rodents.
- (4) **Confinement Standards.** Chickens shall be kept confined in a coop or pen/run enclosure at all times, except that during daylight hours

chickens may be allowed outside of their chicken pens or coops in a securely fenced yard if directly supervised. Chickens shall be secured within the coop during non-daylight hours.

(5) ***Manure Storage and Removal; Sanitary Standards.***

- a. The coop shall be cleaned daily. Provision shall be made for the storage and removal of chicken manure and other waste generated. All stored manure shall be contained within a fully enclosed building or in a predator- and vermin-proof container with a secure lid. Manure not used for fertilizing or composting shall regularly be removed from the site.
- b. Feed shall be stored in a predator- and vermin-proof container with a secure lid. Uneaten or spoiled feed shall be removed in a timely manner.
- c. The coop, pen, and surrounding area shall be kept free from trash and accumulated droppings, and shall at all times be clean and well-maintained.
- d. Mobile chicken coops or pens shall be moved daily to prevent excessive manure or pathogen accumulation.
- e. If a chicken dies, it shall be disposed of promptly in a sanitary manner.

(6) ***Lighting.*** Only motion-activated lighting may be used as a regular means of illuminating the exterior of the coop.

(7) ***Noise and Odor Impacts.***

- a. Perceptible noise from chickens shall not be persistent or be of such loudness at the property boundaries to disturb persons of reasonable sensitivity.
- b. Odors from chickens, chicken manure, or other substances related to the keeping of chickens shall not be perceptible at the property boundaries.

(8) ***Slaughtering of Chickens.*** No slaughtering of chickens shall take place within public view.

(9) ***Restrictive Covenants.*** While the Village is not an enforcement authority for private restrictive covenants in place for certain subdivisions, it is the responsibility of the permittee to also investigate and be in compliance with any applicable land division restrictive covenants on the keeping of poultry within that subdivision.

- (i) ***Sale of Eggs; Commercial Activities.*** A permittee or family member of a permittee may sell eggs laid by the chickens permitted under this Section from the residence for which the permit has been issued, provided the permittee complies with all other applicable laws. The sale of such eggs is not considered a commercial use or a home occupation. Chickens may not be kept for any type of commercial purposes. It shall be unlawful for any person to keep live poultry within the Village on a residential-zoned parcel for the purposes of sale or breeding, except in compliance with zoning regulations.



(j) **Penalties.**

- (1) A forfeiture may be assessed for any violation of this Section in an amount as authorized under Sec. 1-1-6. Each day that a violation of this Section continues shall be deemed a separate violation. Any violation hereunder shall be deemed a separate violation for each chicken kept in violation of this Section.
- (2) In addition to a forfeiture penalty, any violation of the provisions of this Section or of the permit shall be grounds for the enforcement authorities of the Village of Bristol to remove the chickens and the chicken-related facilities. Nothing in this Section, including but not limited to the issuance of a permit, shall be construed as limiting the Village from abating nuisance-type conditions on a property.

**SECTION II. SEVERABILITY.**

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

**SECTION III. CONFLICTING PROVISIONS REPEALED.**

All Ordinances in conflict with any provision of this Ordinance are hereby repealed.

**SECTION IV. EFFECTIVE DATE.**

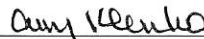
This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 25<sup>th</sup> day of August, 2014.

VILLAGE OF BRISTOL, WISCONSIN



Village President



Village Clerk-Treasurer

INTRODUCED: April 14, 2014

ADOPTED: August 25, 2014

PUBLISHED: \_\_\_\_\_

State of Wisconsin:  
County of Kenosha:

I hereby certify that the foregoing ordinance is a true, correct, and complete copy of an ordinance duly and regularly enacted by the Bristol Village Board on the 25 day of August, 2014 and that said ordinance has not been repealed or amended and is now in full force and effect.

Dated this 25 day of August, 2014

Amy Klemko  
Amy Klemko, Village Clerk-Treasurer