

**VILLAGE OF OXFORD
MARQUETTE COUNTY, WISCONSIN**

ORDINANCE #2022-2 DOMESTICATED FOWL

**AN ORDINANCE TO AMEND VILLAGE OF OXFORD ORDINANCE SEC. 18-115(e) WHICH
PROHIBITS THE KEEPING OF DOMESTICATED FOWL**

The **VILLAGE OF OXFORD**, Marquette County, State of Wisconsin, DOES ORDAIN AS FOLLOWS:

SECTION 18-115(e). An Ordinance section entitled “**Domesticated fowl; prohibition on keeping.**” is hereby Amended to read as follows:

Sec. 18-115(e) shall be amended as follows:

(e) Domesticated fowl; prohibition and regulation on keeping. It shall be unlawful for any person to keep, harbor, possess or control within the limits of the village any ducks, geese, turkeys, pheasants, or other domesticated fowl with the exception of permitted chickens.

(1) Keeping of chickens

a. Definitions:

1. Chicken means a domestic chicken of the sub-species Gallus (gallus domesticus).
2. Keep means the owning, keeping, possessing, or harboring of a chicken.
3. Rooster means a male chicken of any age, including a capon or otherwise neutered male chicken.
4. Coop means a new or existing enclosed accessory structure designed or modified for the keeping of chickens and chicken husbandry supplies only and meeting the requirements of this section.
5. Chicken run means a fenced cage attached to a coop.

b. Permit Required:

1. Any person who keeps chickens on land in the Village which the person owns, occupies or controls shall obtain a permit issued by the Clerk upon approval by the Oxford Police Department. The permit shall be valid for as long as the person keeps chickens in a coop per 18-115(e)(1)(c), and the fee shall be set forth in the official Village fee schedule on file in the Village Clerk's office. The permit shall remain valid unless a person discontinues the keeping of chickens for a period of 12 months or more or seeks to modify the coop and run located on the property. A new permit shall be required to keep chickens if the practice ceased for a minimum of 12 months or if the person intends to modify, enlarge or relocate the coop or run on the property.

2. Permit applications submitted by a person other than a record title owner of the property upon which chickens will be kept shall provide written consent of the property owner with the permit application.

c. Keeping of chickens allowed:

1. A maximum of four chickens are allowed, with a permit, for personal use only and not for any business or commercial use.
2. One permit per R-1 single-family residence, R-2 Two-family residence, R-3 multifamily residence.
3. No person shall keep any rooster.
4. The outdoor slaughtering of chickens on residential zoning districts is prohibited.
5. Chickens shall always be provided with fresh water along with adequate amounts of feed.
6. Any and all feed not in current use in the coop shall be stored in a rodent proof container.
7. Chickens shall be provided with a sanitary and adequately sized coop, with a minimum size of four square feet per chicken, but not to exceed forty-eight square feet in its entirety (not including run). The coop may be built as part of an unattached yard shed or garage, provided setback requirements are met, but cannot be placed on top of a building.
8. Coops must be fully enclosed, except for the opening leading to the additional fenced area (if included) and constructed so as to prevent rats, mice, or other rodents or vermin from being harbored underneath or within the walls of the structure or enclosure.
9. To prevent chickens from flying out of the run, fencing shall be of enough height, be covered, or the chickens shall have their wings clipped.
10. Chickens must be enclosed within the coop overnight.
11. Must be clean, dry, odor-free and kept in a neat and sanitary condition.
12. All permanent (non-mobile) coops shall comply with all building and zoning requirements of this Code.
13. All chicken coops or runs shall comply with the established zoning district setbacks of this Code and must not be closer than 30 feet from any dwelling on a neighboring property.
14. No chicken coop shall be located on the front or side yard of a parcel.
15. A sketch plan must be submitted which indicates the location of the coop, along with any associated fencing, all dimensions, and the setbacks from the applicable lines.
16. In addition to compliance with the requirements of this section, no one shall keep chickens that cause any other nuisance associated with unhealthy conditions, create a public health threat or otherwise interfere with the normal use of property or enjoyment of life by humans or animals.

d. Public health requirements:

1. Chickens shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds or to humans.
2. Waste materials (feed, manure and litter) should be disposed of in an environmentally responsible manner. The materials can be composted or bagged and disposed of in the trash. It is not acceptable to pile waste materials on the property.
3. Any person keeping chickens shall immediately report any unusual illness or death of chickens to the Health Department.

e. Permit revocation: A person who discontinues the practice of keeping chickens for a period of at least 12 months or moves or otherwise modifies the coop or run on the property of a valid permit shall have their permit revoked, unless they apply for a new permit. A person whose permit is revoked shall have the right to a hearing on the revocation before the Village Board, if such a hearing is requested, in writing, within 10 days of the service of the notice of revocation. A notice of revocation is deemed served upon the day of mailing if sent by certified mail to the applicant of the permit at the address as listed upon the application for the chicken permit.

1. The village may revoke a permit if a person's chickens become a nuisance. For purposes herein, a nuisance is defined as two investigated and verified violations as pertaining to the keeping of chickens within a six-month period:
 - a. Complaints about noise, specifically frequent, ongoing, or long-continued noise that disturbs the comfort of any persons in the vicinity;
 - b. Complaints about odor, specifically foul, noisome, or unpleasant odors that are frequent, ongoing, or long-continued and disturb the comfort of any persons in the vicinity;
 - c. Complaints about vermin, specifically the frequent, ongoing, or long-continued presence of such vermin as (but not limited to) mice, rats, raccoons, and possum;
 - d. Failure to comply with the provisions listed under keeping of chickens.
2. The village may revoke a permit issued to a person convicted of animal cruelty in the State of Wisconsin.
3. The issuance of a permit under this provision shall be deemed to grant the village the right to inspect to ensure compliance with the provisions herein. The village reserves the right to conduct inspections as necessary within the sole discretion of the village.

f. Sale of eggs and baby chicks prohibited: No person may offer to sell eggs or chicks accumulated from the activities permitted hereunder.

- g. Enforcement.** The provisions of this section shall be enforced by the Village Police Department.
- h. Penalties.** Any person violating any provisions of this section shall be subject to penalty as provided in Chapter 1, General Provisions, 1-12 General Penalty, of the Oxford Village Code.

WHEREAS, the Oxford Village Board hereby amends the Oxford Village Code of Ordinances Chapter 18-115(e) Domesticated Fowl; prohibition on keeping.

AND, WHEREAS, the Village of Oxford hereby does not subject amended Ordinance 18-115(e) to the accessory structure limitation standard of Ordinance 50-444(b)(8).

NOW, THEREFORE BE IT RESOLVED, that Chapter 18-115(e) is hereby amended to Domesticated fowl; prohibition and regulation on keeping.

EFFECTIVE DATE

This Ordinance shall become effective upon its passage and one day after publication and posting as required pursuant to law.

The above and foregoing Ordinance was adopted at a regular meeting of the Village Board of the Village of Oxford on September 14, 2022.

Erwin Meyer, Village President

Attest:

Shannon McMullin, Village Clerk