

STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

ORDINANCE NO. 2012-04

AN ORDINANCE TO AMEND SECTION 12.01 AND  
CREATE SECTION 12.09 REGARDING LICENSING AND FEES  
FOR THE KEEPING OF CHICKENS  
IN TOWN OF DELAFIELD

WHEREAS, the Town Board has received requests from citizens regarding the keeping of chickens in residential districts; and

WHEREAS, following a series of meetings and public hearing, the Town of Delafield Town Board, along with Town Staff and the Town Plan Commission, has reviewed and prepared an ordinance to amend the Town of Delafield Zoning Code to allow the keeping of chickens in residential districts under certain circumstances; and

WHEREAS, contemporaneously with the adoption of this ordinance, the Town Board is considering for adoption an ordinance that would amend the Town Zoning Code to allow the keeping of chickens in certain residential districts in particular circumstances, and said ordinance creates Section 17.06 5. C., which requires that chickens kept pursuant to an annual licensing requirement pursuant to Chapter 12 of the Town of Delafield Municipal Code; and

WHEREAS, by this ordinance the Town of Delafield Town Board intends to establish the licensing requirements for the keeping of chickens, which shall be in addition to the general provisions as to licenses that are currently described in Section 12.02 of the Town of Delafield Municipal Code.

NOW THEREFORE, the Town Board of the Town of Delafield, Waukesha County, Wisconsin, DOES HEREBY ORDAIN as follows:

SECTION 1: Chapter 12 of the Town of Delafield Municipal Code entitled “Licenses and Permits,” Section 12.01 entitled “License Fees,” subsection (2) entitled “Zoning,” is hereby repealed and recreated as follows:

(2) ZONING. General. The fees for the following licenses shall be established, from time to time, by separate Resolution of the Town Board:

- (a) Petition Conditional Use Permits.
- (b) Petition to the Zoning Board of Appeals.
- (c) Petition to the Plan Commission or the Town Board of Supervisors.
- (d) Petition for Rezoning.
- (e) License for keeping chickens.

SECTION 2: Chapter 12 of the Town of Delafield Municipal Code entitled “Licenses and Permits,” Section 12.09 entitled “License for Keeping Chickens,” is hereby created as follows:

12.09 **LICENSE FOR KEEPING CHICKENS.**

(1) LICENSE REQUIRED. The keeping of chickens in residential districts is subject to Section 17.06 5. of this Code, as and to the extent described therein and within the zoning regulations of the Zoning Code. Such use is subject to payment of a fee as described in Section 12.01, the general provisions as to licenses as described in Section 12.02, and the additional and different license regulations of this section.

(2) APPLICATION OF GENERAL PROVISIONS. The general provisions as to licenses described in Section 12.02 of this Code shall apply, except as follows. No bond or insurance shall be required for a license to keep chickens. The term of the license shall be for one calendar year, to end on December 31 of each year, rather than June 30<sup>th</sup>.

(3) LICENSE APPROVAL OR DENIAL. Upon receipt of a completed license application and upon payment of the required fee, the Town Clerk shall place the license application on an upcoming agenda of the Town Board for consideration and possible action. The Town Board shall have discretion to determine whether issuance of the license, and/or renewal of a license that has previously been issued, is in the best interests of the Town of Delafield and in particular the

neighborhood where the use is located. The Town Board may approve, deny or conditionally approve the issuance of license subject to reasonable conditions.

(4) RENEWAL. The license may be renewed for a subsequent year upon petition to the Town Clerk and approval of the Town Board. Such application and accompanying fee must be filed prior to the expiration of the license. To avoid a lapse in the license term, the licensee must apply for renewal at least sixty (60) days prior to the expiration of the license.

(5) OBLIGATIONS UPON EXPIRATION/TERMINATION. No chicken shall be kept on the property following the expiration or termination of the license, unless and until a new license is obtained for the keeping of chickens. All chicken coops, fences, chicken runs, and other structures and facilities associated with the keeping of chickens shall be removed from the property no later than twelve (12) months after the expiration or termination of the license or cessation of the use, whichever shall occur first.

(6) DISCLAIMER. The grant of a license for keeping of chickens by the Town of Delafield does not supersede or abrogate any private deed restrictions, homeowner's association regulations or bylaws, or other private restrictions that may apply and may be more restrictive. Persons requesting a license to keep chickens are solely responsible to know and to comply with any such private limitations.

(7) PUBLIC NUISANCE. Keeping of chickens in violation of Chapter 12 and/or Chapter 17 of the Town of Delafield Municipal Code shall constitute a public nuisance.

### SECTION 3: SEVERABILITY.


The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE.

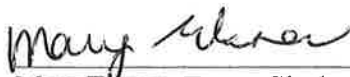
This ordinance shall be effective upon publication or posting as provided by law.

Dated this 14<sup>th</sup> day of February, 2012.

TOWN OF DELAFIELD

  
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Paul L. Kanter, Town Chair

ATTEST:

  
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Mary Elsner, Town Clerk

This ordinance posted or published 6/19/12.

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