

**VILLAGE OF GREENVILLE
ORDINANCE 1-24
AMENDMENT TO CHAPTER 76, ANIMALS, RELATING TO CHICKENS**

WHEREAS, residents of the Village have expressed interest in keeping a small number of chickens on residential properties; and

WHEREAS, current Village ordinances prohibit chickens on most residential properties; and

WHEREAS, the below ordinance intends to allow for a small number of fowl (chickens or ducks) to be kept on a residential property while placing restrictions on the keeping of fowl to protect adjacent properties and requiring a license/permit for such keeping of fowl.

THEREFORE, BE IT ORDAINED, The Village Board of the Village of Greenville, Outagamie County does hereby ordain as follows:

CHAPTER 76

ARTICLE I

Farm Animals

[Adopted 1-21-1998 by Ord. No. 11 ; amended in its entirety 7-12-2021 by Ord. No. 07-21]

§ 76-1. Statutory authority. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Pursuant to Wisconsin Statutes § 61.35, the Village Board of Trustees of Greenville, Outagamie County, Wisconsin, hereby regulates the keeping of farm animals in certain areas in Greenville, Outagamie County, Wisconsin, as described herein.

§ 76-2. Purpose.

The purpose of this article is to regulate the keeping of farm animals within certain areas in Greenville, Outagamie County, Wisconsin.

§ 76-3. Definitions.

As used in this article, the following terms shall have the meanings indicated:

FARM ANIMALS — Pursuant to the definition of "livestock" in Wisconsin Statutes §95.51(1), bovine animals, equine animals, goats, poultry *except chickens as defined in Article V, Small-scale Keeping of Fowl*, sheep, swine, farm-raised deer, and any other kind of animal the Department of Agriculture identifies by rule. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

OWNER — Includes owner, owners, tenants, lessees and/or occupants.

§ 76-4. Farm animal regulations.

- A. No farm animal shall be raised, harbored, cared or provided for on any parcel of land in Greenville in the following areas:
 - (1) Within all zoning districts except for AGD-General Agricultural District, AGD-FP- General Agricultural Farmland Preservation Overlay District, and RR-Rural Residential District.
- B. Minimum lot sizes.
 - (1) A minimum of three acres is required per farm animal for property zoned RR-Rural Residential except the minimum lot size for each beehive shall be 5,000 sq. ft.
 - (2) There are no minimum lot sizes for property zoned AGD-General Agricultural District or

AGD-FP-General Agricultural Farmland Preservation Overlay District.

C. Structures.

(1) Structures used for keeping of farm animals shall meet the requirements of Chapter 85, Building Construction, and Chapter 320, Zoning.

D. Prohibited animals:

(1) Roosters shall be prohibited in the RR-Rural Residential District.

E. Registration. Property owners are required to register their farm animals pursuant to Wisconsin Statutes § 95.51(2).

§ 76-5. Existing farm animals.

Properties that are not in compliance with these regulations but have farm animals prior to July 12, 2021, may continue to keep them but shall not add more.

§ 76-6. Violations and penalties.

Greenville does hereby determine that the keeping of said animals in the above-described areas is a nuisance. Any person violating this article shall be notified by certified mail by the appropriate official from Greenville, or by an issued written police order, to remove the farm animal within a five-day period. If the farm animal is not removed with said five-day period, Greenville shall assess a penalty of \$50 for each day that the farm animal remains after the five-day period. Further, Greenville shall proceed in the Circuit Court for Outagamie County to obtain an injunction removing said farm animal. Greenville shall seek an order for removal of said farm animal, and the farm animal shall be destroyed, and the cost of removal and destruction of said farm animal shall be assessed against the owner of the real estate on which the farm animal is located. Greenville shall further collect its costs, including reasonable attorneys' fees, for all action under this article.

ARTICLE V

Small-scale Keeping of Fowl.

§ 76-30. Standards and Practices for Small-scale Keeping of Fowl.

The keeping of fowl is allowed on a parcel that is zoned AGD-General Agricultural District, AGD-FP-General Agricultural Farmland Preservation Overlay District, and RR-Rural Residential District with three or more acres in accordance with Chapter 76, Article I. The keeping of fowl with a license is allowed on a parcel that is zoned RR-Rural Residential District with less than three acres and RI-Single-Family Residential District as provided herein. The following criteria constitute standards and practices that when applied to small-scale keeping of fowl on residential parcel, protects the health, safety, property, and welfare of the general public.

§ 76-31. Definitions.

- 1) Fowl. The term "fowl" used throughout this section shall exclusively mean chicken or duck. The term "fowl" does not include roosters, quail, grouse, pheasant, turkeys, peacocks, emus, ostriches or the like.
- 2) Coops. A small enclosed structure where chickens or ducks are kept.
- 3) Runs. An enclosed area, attached to a coop, in which chickens or ducks are allowed to run around and peck.

§ 76-32. Number of Fowl.

The maximum number of fowl allowed on a parcel with a license is no more than four (4).

§ 76-33. Location.

- 1) Coops and Runs are allowed only within rear yards.
- 2) Coops and Runs shall have a setback of 10 feet to any property line and 25 feet from any structure on adjacent lots.
- 3) Fowl shall not be kept or maintained on a vacant lot.

§ 76-34. Coop & Run Standards.

- 1) The Coop shall provide at least two (2) square feet of floor area per fowl, but shall not exceed fifty (50) square feet of floor area in total.
- 2) The Coop floor shall be of a hard, cleanable surface. A dirt floor or similar is not permissible.
- 3) The Coop shall be provided with one nest box per three fowl, and elevated perches to ensure fowl are able to rest in their natural roosting positions.
- 4) The Run shall provide at least 8 square feet per fowl, but shall not exceed 200 square feet of floor area in total. The Run must be attached to the Coop with there being direct access between the Coop and the Run.
- 5) Runs shall be enclosed with wire netting, or equivalent material, including overhead enclosure, capable of preventing fowl from escaping and predators entering.
- 6) Coops and Runs shall consist of materials suitable for residential district. The use of repurposed scrap materials of any kind are prohibited. The Coop and Run shall be built with quality materials and in a manner capable of preventing fowl from escaping and predators from entering.
- 7) Coops and Runs shall be removed from the property in their entirety or repurposed in accordance with other building codes within 30 days of a revocation or expiration of a non-renewal keeping of fowl license.

§ 76-35. Best Practices.

The following best practices are established as standards of operation for any small-scale keeping of fowl operation hereafter licensed by the Village:

- 1) No person shall keep any rooster, except for parcel zoned AGD-General Agricultural District or AGD-FP-General Agricultural Farmland Preservation Overlay District.
- 2) Coops and Runs shall be cleaned of feces, uneaten feed, feathers, and other waste as necessary to ensure the birds health and minimize odor and other nuisances.
- 3) Fowl shall be provided with adequate water, food, and shelter.
- 4) Feed shall be stored in containers which make the feed inaccessible to rodents, vermin, wild birds, and predators.
- 5) All fowl shall be kept within a ventilated, and weather-proof Coop.
- 6) No fowl shall run at large. Any fowl not secured within a coop or run area, or equivalent, within the property limits of its owner or keeper, is declared to be "at large", and is declared to be a public nuisance.
- 7) Deceased fowl shall be disposed of immediately in a safe manner, which may include trash disposal after placing the deceased fowl in a sealed bag.
- 8) Applicant shall comply with Wisconsin Department of Agriculture, Trade, and Consumer's Protection's premises registration program.
- 9) Unusual illness or death of fowl shall be immediately reported to the Outagamie County Health Department.

§ 76-36. Administration and Enforcement.

- 1) A License Application and fee must be received and approved by the Village Board before a property owner or tenant can begin keeping fowl at a residential lot. In addition, Keeping of Fowl Licenses must be renewed annually, prior to January 1.
- 2) Neighbor Notification. Prior to Village issuance of a Keeping Fowl License, the applicant will be required to notify all neighbors whose properties share a common lot line with the property where

- keeping or fowl will take place.*
- 3) *Village Inspections. The Community Development Department, or their designee, is authorized to make inspections, during reasonable hours, to investigate any complaints, or to determine continued compliance with the Keeping of Fowl Ordinance. The Department may revoke a license if there have been 3 or more violations of the ordinance within any 6-month period.*
 - 4) *Effect of Compliance. Compliance with this ordinance shall not be a defense to a proceeding alleging that a given coop or run is in violation of other codes or ordinances governing public nuisances, or public health and safety. However, compliance with this ordinance may be offered as evidence of the applicant's efforts to abate any proven nuisance, or as evidence of the applicant's compliance with generally accepted standards in the State of Wisconsin.*

If this conflicts with any section within the Village of Greenville Municipal Code, this ordinance shall prevail.

This Ordinance shall take effect upon passage and publication.
Adopted this 7th day of February, 2024.

VILLAGE OF GREENVILLE:

Jack Anderson
Village President

Attest:

Wendy Helgeson
Clerk