

ORDINANCE 2011-2

ORDINANCE TO AMEND CHAPTER 340 OF THE TOWN OF PORT WASHINGTON MUNICIPAL CODE, KNOWN AS THE ZONING AND SUBDIVISION CODE PERTAINING TO THE REGULATING OF RAISING CHICKENS IN RESIDENTIAL DISTRICTS

WHEREAS, the Town of Port Washington has enacted a Zoning and Subdivision Code, which is codified as Chapter 340 of the Town of Port Washington Municipal Code and known as the Zoning and Subdivision Code; and

WHEREAS, the Town's best interests are served by periodically assessing the effectiveness of Town regulations accepted by Ordinance; and

WHEREAS, with an increasing trend to live more sustainably through growing and raising food products and being aware of local opportunities for purchasing food products, the Town Board of Supervisors of the Town of Port Washington, with assistance from the Town Plan Commission, desires to allow residents in residential districts to raise chickens in accordance with specific regulations while protecting the health, safety and welfare of the general public; and

WHEREAS, after careful consideration at many regular and publicly posted meetings, standards were prepared by the Plan Commission to allow residents to raise chickens in residential districts and thereby establish regulations; and

WHEREAS, at the publicly posted meeting of January 12, 2011, the Plan Commission recommended approval to the Town Board to amend Chapter 340 to allow raising chickens in residential districts; and

WHEREAS, after due public notice, the Town Board held a public hearing on February 7, 2011, soliciting public comment regarding the Plan Commission recommendation.

WHEREAS, the Town Board of the Town of Port Washington having carefully reviewed the recommendation of the Plan Commission, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration and having based its determination on the effect of the granting of such rezoning and the health, safety and welfare of the community, and having given due consideration to the municipal problems involved as well as the impact on the surrounding properties as to noise, smoke and odor, and others hereby determines that the public necessity, convenience, general welfare and good zoning practice requires that the zoning amendment be granted, as the zoning amendment will not violate the spirit or intent of the Zoning and Subdivision Code for the Town of Port Washington, will not be contrary to the public health, safety or general welfare of the Town of Port Washington, will not be hazardous, harmful, noxious, offensive or a nuisance by reason of noise, dust, smoke, odor or other similar factors and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood and is consistent with the recommendations found in the Comprehensive Plan 2035 for the Town of Port Washington.

NOW THEREFORE, the Board of Supervisors of the Town of Port Washington, do hereby ordain as follows:

SECTION I.

1. Section 340-21 B. (4) of the Zoning and Subdivision Code of the Town of Port Washington Municipal Code is hereby created to read as follows:

B. Permitted accessory uses.

- (4) Raising of chickens in accordance with the following:

- (a) All residential lots are permitted to keep up to 5 chickens.
- (b) Residential lots equal to or greater than 32,670 square feet (3/4 acre) are permitted to keep up to 25 chickens with appropriate license from the Town of Port Washington.
 - [1] Any person raising more than 5 chickens shall obtain an annual license prior to January 1 of each year, or within 30 days of acquiring the chickens.
 - [2] Yearly license commences January 1 and expires on the following December 1.
 - [3] License Application and fee shall be provided to the Town Treasurer.
 - [4] The Treasurer or other authorized individual shall collect the fee and shall assess and collect a late fee from every owner of chickens, if the owner fails to obtain a license prior to April 1 of each year, or fails to obtain a license within 30 days of acquiring the chickens. All late fees received or collected shall be paid into the local Treasury.
 - [5] The applicant for a license notifies all residents of the property and the owner or operator of the property if the applicant is not the owner or operator. Notification is not required for renewal of a license.
 - [6] The Zoning Administrator may revoke a license if there are three (3) or more violations within any six (6) month period of any ordinance regulating the keeping of domestic poultry in the Town of Port Washington.
- (c) No person shall keep any rooster.
- (d) Slaughtering/butchering chickens is not permitted.
- (e) All chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.
- (f) Enclosures (fenced or covered) used for raising chickens shall not be located in the street yard.
- (g) Enclosures (fenced or covered) shall not be located within the side or rear yard setback.
- (h) All chicken feed shall be stored in rodent/pest proof container.

- (i) Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at any property line.
- (j) Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

2. Section 340-22 B. (4) shall be created to read as follows:

B. Permitted accessory uses.

(4) Raising of chickens in accordance with the following:

- (a) All residential lots are permitted to keep up to 5 chickens.
- (b) Residential lots equal to or greater than 32,670 square feet (3/4 acre) are permitted to keep up to 25 chickens with appropriate license from the Town of Port Washington.
 - [1] Any person raising more than 5 chickens shall obtain an annual license prior to January 1 of each year, or within 30 days of acquiring the chickens.
 - [2] Yearly license commences January 1 and expires on the following December 1.
 - [3] License Application and fee shall be provided to the Town Treasurer.
 - [4] The Treasurer or other authorized individual shall collect the fee and shall assess and collect a late fee from every owner of chickens, if the owner fails to obtain a license prior to April 1 of each year, or fails to obtain a license within 30 days of acquiring the chickens. All late fees received or collected shall be paid into the local Treasury.
 - [5] The applicant for a license notifies all residents of the property and the owner or operator of the property if the applicant is not the owner or operator. Notification is not required for renewal of a license.
 - [6] The Zoning Administrator may revoke a license if there are three (3) or more violations within any six (6) month period of any ordinance regulating the keeping of domestic poultry in the Town of Port Washington.
- (c) No person shall keep any rooster.
- (d) Slaughtering/butchering chickens is not permitted.
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- (f) Enclosures (fenced or covered) used for raising chickens shall not be located in the street yard.
- (g) Enclosures (fenced or covered) shall not be located within the side or rear yard setback.
- (h) All chicken feed shall be stored in rodent/pest proof container.
- (i) Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at any property line.

- (j) Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

3. Section 340-20.2 F. (4) shall be created to read as follows:

F. Permitted accessory uses.

- (4) Raising of chickens in accordance with the following:
 - (a) All residential lots are permitted to keep up to 5 chickens.
 - (b) Residential lots equal to or greater than 32,670 square feet (3/4 acre) are permitted to keep up to 25 chickens with appropriate license from the Town of Port Washington.
 - [1] Any person raising more than 5 chickens shall obtain an annual license prior to January 1 of each year, or within 30 days of acquiring the chickens.
 - [2] Yearly license commences January 1 and expires on the following December 1.
 - [3] License Application and fee shall be provided to the Town Treasurer.
 - [4] The Treasurer or other authorized individual shall collect the fee and shall assess and collect a late fee from every owner of chickens, if the owner fails to obtain a license prior to April 1 of each year, or fails to obtain a license within 30 days of acquiring the chickens. All late fees received or collected shall be paid into the local Treasury.
 - [5] The applicant for a license notifies all residents of the property and the owner or operator of the property if the applicant is not the owner or operator. Notification is not required for renewal of a license.
 - [6] The Zoning Administrator may revoke a license if there are three (3) or more violations within any six (6) month period of any ordinance regulating the keeping of domestic poultry in the Town of Port Washington.
 - (c) No person shall keep any rooster.
 - (d) Slaughtering/butchering chickens is not permitted.
 - (e) All chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.
 - (f) Enclosures (fenced or covered) used for raising chickens shall not be located in the street yard.
 - (g) Enclosures (fenced or covered) shall not be located within the side or rear yard setback.
 - (h) All chicken feed shall be stored in rodent/pest proof container.
 - (i) Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at any property line.
 - (j) Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

SECTION II. Severability. The several sections and portions 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 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 ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

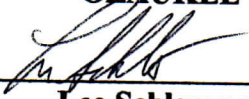
SECTION III. This ordinance shall take effect immediately upon passage and publication or posting as provided by law.

ADOPTED THIS 7th day of February, 2011.

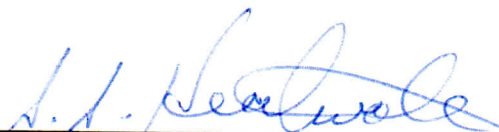
BY THE TOWN BOARD OF SUPERVISORS

TOWN OF PORT WASHINGTON

OZAUKEE COUNTY, WI



Lee Schlenvogt, Town Chair

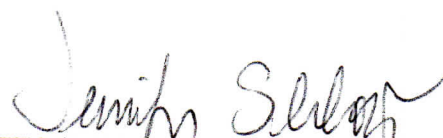


Scott Heatwole, Town Supervisor



James Melichar, Town Supervisor

Attest:



Jennifer Schlenvogt, Town Clerk