

TOWN OF GRAND CHUTE
ORDINANCE, SERIES OF O-01-2022

AN ORDINANCE AMENDING EXISTING CHAPTER 535 OF THE CODE OF GENERAL ORDINANCES FOR THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN, BY AMENDING SECTION 535-61 IN ARTICLE VII OF THIS CHAPTER, ADDING PROVISIONS TO ALLOW SMALL-SCALE KEEPING OF FOWL ON RESIDENTIAL PROPERTIES.

WHEREAS, Chapter 535-61 of the Town of Grand Chute Municipal Code regulates certain uses on residential properties; and,

WHEREAS, The Town of Grand Chute has determined the need to amend said Municipal Code to allow small-scale keeping of fowl on lots with a residential use by establishing standards that are practical and safe for neighbors; and,

WHEREAS, it has been determined that by providing for small-scale keeping of fowl on lots with a residential use, the Town of Grand Chute can support a sustainable practice and promote the health and general welfare of the community.

NOW THEREFORE BE IT ORDAINED by the Town Board of Supervisors of the Town of Grand Chute, Outagamie County, Wisconsin, that Chapter 535 of the Code of General Ordinances is hereby amended by creating Section 535-61 as shown on the attached Exhibit "A".

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

Approved and adopted this 18 day of January, 2022

Number Voted For 5
Number Voted Against 0

Town of Grand Chute




Jason Van Eeren
Town Chairman



Angie Cain
Town Clerk

Approved as to form:

for 

Charles D. Koehler, Attorney
Herring Clark Law Offices
800 N. Lynndale Drive
Grand Chute, WI 54914

Exhibit "A"
TOWN OF GRAND CHUTE
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ARTICLE VII
Special Provisions

§ 535-61 (Existing code to be amended)

§ 535-61 ~~Small-Scale Beekeeping~~ Small-scale Keeping of Bees and Fowl.

A. Purpose. The purpose of this section is to allow small-scale **keeping of bees and fowl** ~~beekeeping~~ on lots with a residential use. A further purpose is to establish certain requirements for **keeping of bees and fowl** ~~beekeeping~~ within the community to avoid issues that might otherwise be associated with keeping of bees and fowl ~~beekeeping~~ in residential neighborhoods. ~~Honeybees are critical pollinators for flowers, fruits and vegetables. Managed colonies of bees help to increase yields and quality of a large variety of plants commonly found in backyard gardens, parks, and natural areas.~~ A growing interest in renewable resources has prompted more people to take up **keeping of fowl and bees** ~~beekeeping~~ as a way to produce their own **eggs**, honey, beeswax, pollen and other hive products that are high in nutritional value. Domestic strains of honeybees have been selectively bred for desirable traits so that they can be kept within populated areas and in reasonable densities, without causing a nuisance if the bees are properly located and carefully managed. By providing a "best practices" ordinance for small-scale ("hobby") **keeping of bees and fowl** ~~beekeeping~~ on residential properties, the Town can support a sustainable activity while setting standards that are practical for **keeping of bees and fowl** ~~beekeepers~~ and safe for neighbors.

B. Standards and Practices **for Small-scale Keeping of Bees**. No hives are allowed on any property that is not in residential use (including property zoned residential), with the exception that hives are allowed under the General Agricultural District as a "farm-related" use. The following criteria constitute standards and practices that, when applied to small-scale beekeeping on residential lots, protect the health, safety, property and welfare of the general public.

- (1) Number of hives. The maximum number of hives allowed on any lot zoned and used for residential purposes are based on the size of lot, as follows:
 - (a) Lot size of ½ acre or smaller = maximum 2 hives allowed.
 - (b) Lot size larger than ½ acre but smaller than 1 acre = maximum 4 hives allowed.
 - (c) Lot size of 1 acre or larger = maximum 6 hives allowed.
- (2) Location. Hives are allowed only within side or rear yards. In all cases, a minimum setback of 10 feet must be maintained between any property line and the closest point of any hives. Any hives located within 25 feet of a property line must be shielded with a minimum 6 foot height flyway barrier installed at the property line. The flyway barrier may consist of a solid wall, fence, dense vegetation, or combination thereof that extends 10 feet beyond the outer

edges of the hives in each direction so that all bees are forced to fly over the material to reach the colony.

- (3) Water supply. Every beekeeper shall ensure that a convenient and constant supply of water is provided near the hives for as long as colonies remain active outside of the hives.
- (4) Best Practices. The following best practices are established as standards of operation for any small-scale beekeeping operation hereafter licensed by the Town:
 - (a) Provide screening around hives so colonies are out of sight from neighboring properties.
 - (b) Maintain colonies in movable-frame hives mounted on substantial stands.
 - (c) Hives and all other beekeeping equipment must be kept in good and useable condition, including securing unused equipment from weather, theft, vandalism or occupancy by swarms of bees.
 - (d) Leave enough room between any screening and the hives for ease of working around the colonies.
 - (e) Limit beekeeping activities to times when it doesn't interfere with neighbors' outdoor activities.
 - (f) Inspect and monitor bees on a regular basis for the health of the hive and to ensure that the colonies are not creating a nuisance to others.
 - (g) Prevent swarming or aggressive behavior by re-queening colonies.

~~C. Administration and Enforcement. A Beekeeping License Application must be received and approved by the Town before a property owner or tenant can begin beekeeping operations at a residential lot. In addition, Beekeeping Licenses must be renewed annually, prior to April 1.~~

- ~~(1) Neighbor Notification. Prior to Town issuance of a Beekeeping License, the applicant/beekeeper will be required to notify all neighbors whose properties share a common lot line with the property where beekeeping will take place.~~
- ~~(2) Town Inspections. The Community Development Department is authorized to make inspections, during reasonable hours, to investigate any complaints, or to determine continued compliance with the Beekeeping Ordinance. The Department may revoke a license if there have been 3 or more violations of the ordinance within any 6-month period.~~
- ~~(3) Effect of Compliance. Compliance with this ordinance shall not be a defense to a proceeding alleging that a given bee colony 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 beekeeper's efforts to abate any proven nuisance, or as evidence of the beekeeper's compliance with generally accepted standards of practice among small-scale hobby beekeepers in the State of Wisconsin.~~

C. Standards and Practices for Small-scale Keeping of Fowl. The keeping of fowl is allowed on a parcel that is zoned General Agricultural (AGD) with five acres or greater. The keeping of fowl, with a license is allowed on a parcel that is zoned General Agricultural (AGD) with less than five acres, Single-Family (RSF) and Two-Family (RTF and R-2). 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.

- (1) Definition of Fowl.** The term “fowl” used throughout 535-61 shall exclusively mean chicken or duck. The term “fowl” does not include roosters, quail, grouse, pheasant, turkeys, peacocks, emus, ostriches or the like.
- (2) Number of Fowl.** The maximum number of fowl allowed on a parcel with a license is no more than six (6), except for a parcel zoned General Agricultural (AGD) with five acres or greater.
- (3) Location.**
 - (a)** Coops and Runs are allowed only within rear yards.
 - (b)** Coops and Runs shall have a setback of 10 feet to any property line and 25 feet from any structure on adjacent lots.
 - (c)** Fowl shall not be kept or maintained on a vacant lot.
- (4) Coop & Run Standards.**
 - (a)** The Coop shall provide at least 3 square feet of floor area per fowl, but shall not exceed 48 square feet of floor area in total.
 - (b)** The Coop floor shall be of a hard, cleanable surface. A dirt floor or similar is not permissible.
 - (c)** 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.
 - (d)** The Run shall provide at least 8 square feet per fowl, but shall not exceed 100 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.
 - (e)** Runs shall be enclosed with wire netting, or equivalent material, including overhead enclosure, capable of preventing fowl from escaping and predators entering.
 - (f)** 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.
 - (g)** 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.
- (5) Best Practices.** The following best practices are established as standards of operation for any small-scale keeping of fowl operation hereafter licensed by the Town:
 - (a)** No person shall keep any rooster, except for parcel zoned General Agricultural (AGD) with five acres or greater.
 - (b)** 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.
 - (c)** Fowl shall be provided with adequate water, food, and shelter.
 - (d)** Feed shall be stored in containers which make the feed inaccessible to rodents, vermin, wild birds, and predators.
 - (e)** All fowl shall be kept within a ventilated, and weather-proof Coop.
 - (f)** No fowl shall run at large. Any fowl not secured within a fenced 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.
 - (g)** 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.
 - (h)** Applicant shall comply with Wisconsin Department of Agriculture, Trade, and Consumer’s Protection’s premises registration program.

- (i) **Unusual illness or death of fowl shall be immediately reported to the Outagamie County Health Department.**

D. Administration and Enforcement. A ~~Beekkeeping~~ License Application must be received and approved by the Town before a property owner or tenant can begin **keeping of bees or fowl beekkeeping-operations** at a residential lot. In addition, **Keeping of Bees or Fowl Beekkeeping** Licenses must be renewed annually, prior to April 1.

- (1) Neighbor Notification. Prior to Town issuance of a **Keeping of Bees or Fowl Beekkeeping** License, the applicant/~~beekeeper~~ will be required to notify all neighbors whose properties share a common lot line with the property where **keeping of bees or fowl beekkeeping** will take place.
- (2) Town Inspections. The Community Development Department is authorized to make inspections, during reasonable hours, to investigate any complaints, or to determine continued compliance with the **Keeping of Bees and Fowl Beekkeeping** Ordinance. The Department may revoke a license if there have been 3 or more violations of the ordinance within any 6-month period.
- (3) Effect of Compliance. Compliance with this ordinance shall not be a defense to a proceeding alleging that a given bee colony, **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 beekeeper's** efforts to abate any proven nuisance, or as evidence of the **applicant's beekeeper's** compliance with generally accepted standards of ~~practice among small-scale hobby beekeepers~~ in the State of Wisconsin.

NEW TEXT

~~REMOVED TEXT~~