

Resolution # 33-2010

**ORDINANCE AMENDMENT #1-2011**

Ordinance Amendment offered by the Planning and Zoning Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

**WHEREAS**, the Planning & Zoning Committee, having considered Ordinance Amendment #1-2011 (copy attached) which was filed February 16, 2011, to amend the Oneida County Zoning and Shoreland protection Ordinance, and having given notice thereof as provided by law and having held a public hearing thereon March 16, 2011 pursuant to Section 59.69(5), Wisconsin Statutes, and having been informed of the facts pertinent to the changes which are as follows:

**WHEREAS**, chickens and ducks can provide food for families in the form of eggs and meat; and

**WHEREAS**, a property owner should be allowed to keep a small amount of chickens and ducks on their property; and

**WHEREAS**, the Planning and Zoning Committee has carefully studied the proposed changes after listening to comments made at the Public Hearing and recommends approval.

**NOW, THEREFORE, BE IT RESOLVED, THE ONEIDA COUNTY BOARD OF SUPRVISORS DOES ORDAIN AS FOLLOWS:**

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

Section 2. This ordinance shall take effect the day after passage and publication as required by law.

Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. Section Chapter 9 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

9.56 Domesticated Chickens / Ducks

A. Purpose and Intent

1. It is the purpose of this ordinance to provide standards for the keeping of domesticated chickens/ducks. It is intended to enable residents to keep a small number of chickens/ducks on a non-commercial basis.

B. Definitions.

1. Chicken – The common fowl (Gallus gallus) especially when young; also: its flesh used as food.
2. Pen – shall mean a wire enclosure connected to a coop for the purpose of allowing chickens/ducks to leave the coop while remaining in an enclosed, predator-safe environment.

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- 3. Duck – Any of various swimming birds (family Anatidae, the duck family) in which the neck and legs are short, the feet typically webbed, the bill often broad and flat, and the sexes usually different from each other in plumage.
- 4. Coop – shall mean a structure for the sheltering of chickens/ducks. An existing shed or garage can be used for this purpose if it meets the standards contained in this ordinance including the required setbacks from property lines.

C. Number and type of chickens/ducks allowed.

- 1. The maximum number of chickens and/or ducks allowed is eight (8) per lot.
- 2. Only female chickens are allowed, no roosters. Male or female ducks are allowed. There is no restriction on chicken or duck species.

D. Coop and Pen construction

The chickens/ducks shall be provided with a covered coop and attached pen. Chickens/ducks shall not be allowed out of the coop or pen.

E. Location.

- 1. Chicken/duck coops and pens shall not be located closer than fifty (50) feet to any lot line.
- 2. Chicken/duck coops and pens shall not be located closer than 75' from the ordinary high water mark (OHWM) of any lake, river or stream
- 3. Chicken coops and pens, pursuant to this Section are allowed in District #2, Single Family Residential.
- 4. Minimum lot size is 1 acre.

F. Other Provisions.

Poultry are still allowed in District #4, Residential and Farming; District #10, General Use; District #14, Residential and Retail and District #15, Rural Residential.

The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #01-2011 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to all Town clerks and The Department of Natural Resources.

Vote Required: Majority = \_\_\_\_\_ 2/3 Majority = \_\_\_\_\_ 3/4 Majority = \_\_\_\_\_

The County Board has the legal authority to adopt: Yes \_\_\_\_\_ No \_\_\_\_\_ as reviewed by the Corporation Counsel, \_\_\_\_\_, Date:

Approved by the \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Offered and passage moved by: \_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

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Supervisor  
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\_\_\_\_\_ Ayes  
\_\_\_\_\_ Nays  
\_\_\_\_\_ Absent  
\_\_\_\_\_ Abstain  
\_\_\_\_\_ Adopted  
by the County Board of Supervisors this \_\_\_\_\_ day \_\_\_\_\_, 2011.  
\_\_\_\_\_ Defeated  
\_\_\_\_\_  
Mary Bartelt, County Clerk                      Ted Cushing, County Board Chair