

APPLICATION FOR
BACKYARD CHICKENS PERMIT

RECEIPT NO: _____

TOTAL AMOUNT: _____

DATE: _____

Residents of the Village of Darien may keep up to four hens on property within the Village limits with a **Backyard Chicken Permit**. Applications are reviewed and approved by Village staff, provided that not more than 51% of adjoining property owners object to the applicant keeping chickens. Permits are valid from January 1st through December 31st and must be renewed annually by submitting a new application with signatures from adjoining property owners. The annual nonrefundable application fee is **\$15.00**. A \$5.00 late fee will be assessed for renewal applications submitted after January 15th. An additional \$5.00 late fee will be assessed for renewal applications submitted after March 1st.

Applicant Name: _____

Home Address: _____

Mailing Address, if different: _____

Phone Number: _____ **Number of Chickens Requested:** _____

Wisconsin Livestock Consortium Registration Number: _____

Please use the site plan on page 2 of this application to show the location and dimensions of the proposed chicken coop and run on the property and all other items requested. Please use pages 3 and 4 of this application to discuss and obtain signatures from adjoining property owners. The applicable ordinance(s) are also attached.

I have read and understand Chapter 6.09 of the Village of Darien Municipal Code regarding Backyard Chickens. I understand the total number of chickens permitted is four (4) and that no roosters are permitted. I have registered with the Wisconsin Livestock Identification Consortium and have provided proof by submitting the registration number on this application. Further, I have presented a copy of Chapter 6.09 to adjoining property owners and asked them to sign this form providing permission to keep backyard chickens.

Date: _____

Signature of Applicant

For Office Use Only:

Permit Year: _____ Permit Number: _____ Date Permit Issued: _____

Approved by: _____ Date: _____

Site Plan

Please use the space below to show the following elements:

- Property lines
- Location and of existing structures (house, garage, shed, pool, fence, etc.)
- Location and dimensions of the proposed chicken coop and run
- Distance between all structures and property lines
- Distance between all structures and other structures
- Drawings do not need to be to scale, but dimensions must be included



Road Right-of-Way
Includes street, terrace, and sidewalk (if applicable)

Applicant Name & Address: _____

I hereby acknowledge that I am the owner of a property that adjoins the property addressed above. I understand that the applicant is requesting a permit to keep chickens in his or her backyard. I have read the Backyard Chicken ordinance attached to this application or I have access to said ordinance.

1. Resident Name: _____

Home Address: _____

Phone Number: _____ **Email Address:** _____

I do not object to this application.

I object to this application for chickens at this address for the following reason(s):

Signature of Property Owner

Date

I hereby acknowledge that I am the owner of a property that adjoins the property addressed above. I understand that the applicant is requesting a permit to keep chickens in his or her backyard. I have read the Backyard Chicken ordinance attached to this application or I have access to said ordinance.

2. Resident Name: _____

Home Address: _____

Phone Number: _____ **Email Address:** _____

I do not object to this application.

I object to this application for chickens at this address for the following reason(s):

Signature of Property Owner

Date

Applicant Name & Address: _____

I hereby acknowledge that I am the owner of a property that adjoins the property addressed above. I understand that the applicant is requesting a permit to keep chickens in his or her backyard. I have read the Backyard Chicken ordinance attached to this application or I have access to said ordinance.

3. Resident Name: _____

Home Address: _____

Phone Number: _____ **Email Address:** _____

I do not object to this application.

I object to this application for chickens at this address for the following reason(s):

Signature of Property Owner

Date

I hereby acknowledge that I am the owner of a property that adjoins the property addressed above. I understand that the applicant is requesting a permit to keep chickens in his or her backyard. I have read the Backyard Chicken ordinance attached to this application or I have access to said ordinance.

4. Resident Name: _____

Home Address: _____

Phone Number: _____ **Email Address:** _____

I do not object to this application.

I object to this application for chickens at this address for the following reason(s):

Signature of Property Owner

Date

*See Ord. No. 304 for Amendments to this Ordinance.

Village of Darien, WI
Monday, July 31, 2017

Chapter 6.09. Backyard Chickens

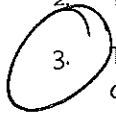
§ 6.09.010. Restrictions.

[Adopted 10-21-2013 by Ord. No. 283]

No individual, family, person, business or any other entity shall keep, harbor, breed, or have any chickens or build, erect, or maintain and use any building, enclosure or coop to keep or house any chickens anywhere within the Village of Darien without first securing a permit issued by the Village Clerk. Said permit shall be subject to the following terms and conditions:

- A. Completion of a permit application which shall include the name and address of the applicant and the number of chickens to be kept by the applicant at said address, together with a comprehensive site plan detailing property boundaries, location of existing structures, location of structures on neighboring properties, a proposed location of the chicken coop and pen area and a nonrefundable permit application fee of \$15.
- B. No more than four female chickens (hens) shall be allowed on lots with single-family dwellings.
- C. Roosters are not allowed within the Village limits of the Village of Darien.
- D. There will be no slaughtering of chickens within the Village limits of the Village of Darien.
- E. The raising or keeping of hens for fighting and the fighting of hens and other fowl is not allowed within the Village of Darien as per Wisconsin Statutes Section 951.08.
- F. All chicken feed must be kept in airtight containers that are inaccessible and out of reach for wild animals and shall be stored in a verminproof container.
- G. Hens shall be kept at all times in a secured enclosure (coop and yard together) that meets the following design and location requirements:
 - 1. The enclosure shall be secured;
 - 2. The coop element of the enclosure shall be elevated at least two feet above the surface of the ground;
 - 3. The enclosure (coop and yard together) shall be large enough to provide at least 16 square feet per chicken;
 - 4. All chicken coops shall be kept in good repair and shall be maintained in a clean, sanitary condition and free from objectionable odors at all times;
 - 5. Coops must be structurally sound, insulated and moistureproof;
 - 6. Coops must have vents to ensure proper ventilation during all times of the year;
 - 7. Coops must be cleaned daily, and the waste must be disposed of properly;
 - 8. No chicken coop or pen area shall be placed closer to the front line than the principal structure;
 - 9. All chicken coops and pen areas shall be set back a minimum of 10 feet from the side and rear yard property lines and a minimum of 25 feet from any adjacent residences;
 - 10. During the winter months:

Ord. No. 304



- a. Windows must be covered with plastic to minimize drafts;
- b. Heating lamps and other technology may need to be provided to keep the coop at the proper temperature of no less than 40° F.;
- c. Water must not be frozen in the winter.

§ 6.09.020. Permit application process.

[Adopted 10-21-2013 by Ord. No. 283]

All property owners interested in applying for a permit to allow for the keeping of hens shall obtain and complete an application form as set forth in above Section 6.09.010A. Upon receiving the items set forth in above Section 6.09.010A, the applicant shall be required to obtain the signature of all adjoining landowners before submitting said application. Each adjoining landowner shall have the opportunity on the application to object to the application. Said objection shall be indicated in writing on the application. The adjoining landowner shall be the individual(s) as listed in the office of the Village Assessor at the time that the application for permit is made. If the Village receives objections from 51% or more of the adjoining property owners, a meeting with the applicant and the objecting party shall be held to resolve issues and concerns. If no resolution is reached within 45 calendar days, the Village Clerk shall deny the application.

§ 6.09.030. Authority.

[Adopted 10-21-2013 by Ord. No. 283]

The designated Code Enforcement Officer and/or his designee shall have the authority to investigate complaints. The Village may revoke the permit by giving written notice of revocation to the permittee if the permittee has failed to correct any violation or violations set forth in a written warning given by the designated Code Enforcement Officer and/or his designee.

§ 6.09.040. Licenses; fees.

[Adopted 10-21-2013 by Ord. No. 283]

- A. Licenses are for a one-year term beginning January 1 of each year. The license fee is \$15 annually, and will not be prorated for any portion of the year. Licenses not renewed by January 15 of the following year will be subject to a late fee of \$5. If licenses are not renewed by March 1 of the following year, said license renewal will be subject to an additional late fee of \$5. All license renewals shall be submitted to the Village Clerk's office.
- B. The applicant must register his/her premises with the Wisconsin Livestock Identification Consortium at www.wiid.org. Proof of registration must be provided by the applicant upon request by the Village.

§ 6.09.050. General care requirements.

[Adopted 10-21-2013 by Ord. No. 283]

Hens must be properly cared for:

- A. Food must be provided daily and must be proper for the hens in accordance with Wis. Stats. Section 951.13(1).
- B. Clean water must be provided at all times and changed daily in accordance with Wis. Stats. Section 951.13(2).

§ 6.09.060. Denial or revocation.

[Adopted 10-21-2013 by Ord. No. 283]

An applicant or permittee may appeal to the Plan Commission regarding the denial or revocation of his/her permit by filing a written notice of appeal on a form provided by the Village Clerk within 14 days immediately following notice of denial or revocation of the permit.

§ 6.09.070. Penalties.


[Adopted 10-21-2013 by Ord. No. 283]

A. General Complaints. This includes noise complaints and nuisance complaints and others.

1. First offense: A warning will be given to the permit holder that if similar complaints continue, a fee will be assessed as well as the potential loss of a license.
2. Second offense: A fee of \$50 will be assessed on the part of the permit holder.
3. Third offense: The license of the permit holder will be revoked for 12 months, and a fine of \$200 would be assessed.

B. Animal Cruelty Violations. These consist of but are not limited to inadequate food or water, dirty coop, improper temperature conditions for the birds, sick or unhealthy birds, and improper size coop.

1. First offense: A warning would be given with the order to fix the problem within a week or to provide proof of a start to fix the problem.
2. Second offense: The license of the permit holder will be revoked indefinitely and either prosecution under Wisconsin state law or a fine of \$500.


 See Ord. No.
304.

ORDINANCE NO. 304

**AN ORDINANCE AMENDING SECTION 6.09
OF THE VILLAGE OF DARIEN MUNICIPAL CODE
RELATING TO BACKYARD CHICKENS**

NOW, THEREFORE, the Board of Trustees of the Village of Darien, Wisconsin do ordain as follows:

Section 1. Section 6.09.010.G. of the Village of Darien Municipal Code is hereby amended to read as follows:

“6.09.010. Restrictions.

G. Hens shall be kept at all times in a secured enclosure (coop and yard together) that meets the following design and location requirements:

1. The enclosure shall be secured;
2. The coop element of the enclosure shall be elevated at least two feet above the surface of the ground;
3. The enclosure (coop and yard together) shall be large enough to provide at least 16 square feet per chicken but shall be no greater than 100 square feet in total area;
4. All chicken coops shall be kept in good repair and shall be maintained in a clean, sanitary condition and free from objectionable odors at all times;
5. Coops must be structurally sound, insulated and moistureproof;
6. Coops must have vents to ensure property ventilation during all times of the year;
7. Coops must be cleaned daily, and the waste must be disposed of properly;
8. No chicken coop or pen area shall be placed closer to the front line than the principal structure;
9. All chicken coops and pen areas shall be set back a minimum of 10 feet from the side and rear yard property lines and a minimum of 25 feet from any adjacent residences;
10. During the winter months:
 - a. Windows must be covered with plastic to minimize drafts;
 - b. Heating lamps and other technology may need to be provided to keep the coop at the proper temperature of no less than 40°F;
 - c. Water must not be frozen in the winter.”

Section 2. Section 6.09.070. of the Village of Darien Municipal Code is hereby amended to read as follows:

"6.09.070. Penalties.

[Adopted 10-21-2013 by Ord. No. 283]

- A. General Complaints. This includes noise complaints and nuisance complaints and others.
 - 1. First Offense: A warning will be given to the permit holder that if similar complaints continue, a fee will be assessed as well as the potential loss of a license.
 - 2. Second Offense: A fee of \$50 will be assessed on the part of the permit holder.
 - 3. Third Offense: The license of the permit holder will be revoked for 12 months, and a fine of \$200 would be assessed.

- B. Animal Cruelty Violations. These consist of but are not limited to inadequate food or water, dirty coop, improper temperature conditions for the birds, sick or unhealthy birds, and improper size coop.
 - 1. First Offense: A warning would be given with the order to fix the problem within a week or to provide proof of a start to fix the problem.
 - 2. Second Offense: The license of the permit holder will be revoked indefinitely and either prosecution under Wisconsin state law or a fine of \$500.

- C. Failure to Obtain a Permit. If a resident keeps chickens without a permit or fails to obtain an annual permit by March 1st as outlined in 6.09.040. above, the Village shall take the following actions:
 - 1. First Offense: The Village Administrator or designee shall send a written warning to the resident requiring that the resident provide proof that he or she is not or is no longer keeping chickens, or requiring that the resident apply for a permit within 30 days.
 - 2. Second Offense: Municipal citations may be written by the Code Enforcement Officer or the Police Department of up to \$100 plus the costs of prosecution for each day without a permit.
 - 3. Third and subsequent Offenses: Municipal citations may be written by the Code Enforcement Officer or the Police Department of up to \$250 plus the costs of prosecution for each day without a permit.
 - 4. Time limit for second and subsequent offenses: violations within a two-year period after the first offense warning letter may be treated as second, third, and subsequent offenses.

Section 3. This ordinance shall take effect upon passage, posting, or publication as provided by law.

Enacted by the Village Board of the Village of Darien, Walworth County, Wisconsin, this 19th day of June, 2017.

VILLAGE OF DARIEN
Kurt Zipp, Village President

ATTEST:
Rebecca Houseman LeMire, Administrator/Clerk-Treasurer

Date Published: June 29, 2017
Date Posted: June 20, 2017
Effective Date: June 30, 2017

