



ORDINANCE 2025-07

AN ORDINANCE TO REPEAL AND RECREATE SECTION 6 (POULTRY AND LIVESTOCK PROHIBITED) AND SECTION 9 (SHELTER) OF ARTICLE II (PROHIBITED AND PROTECTED ANIMALS, FOWL, REPTILES AND INSECTS), AND SECTION 11 (LICENSING), SECTION 12 (NUMBER OF ANIMALS LIMITED) AND SECTION 13 (ANIMALS NOT TO RUN AT LARGE) OF ARTICLE III (LICENSING AND REGULATION OF ANIMALS) OF CHAPTER 102 (ANIMALS) OF THE MUNICIPAL CODE OF THE VILLAGE OF HOBART, BROWN COUNTY, WISCONSIN

Purpose: The purpose of this Ordinance is to create a licensing and permitting process for the keeping and maintaining of up to six chickens (hens only) in the following zoning districts: R-1: Single-Family Residential and R-4: Single and Two-Family Residential

The Village Board of the Village of Hobart, Brown County, Wisconsin, does ordain as follows:

Section 1: Section 6 (Poultry and Livestock Prohibited) of Article II (Prohibited and Protected Animals, Fowl, Reptiles and Insects) of Chapter 102 (Animals), of the Code of the Village of Hobart, is hereby repealed and recreated to read as follows:

§ 102-6. Poultry and livestock prohibited.

A. Except as specifically permitted in a zoning district, no person shall keep or maintain any poultry, pigeons or fowl, or any animal raised for fur-bearing purposes, or any livestock, including, but not limited to, horses, cattle, sheep, goats, pigs or swine, whether or not such animal is domesticated, tamed, or a pet.

(1) The slaughter of chickens permitted in the R-1, R-2, R-2-R, R-3, and R-4 Single-Family Residential Zoning Districts shall be prohibited.

B. Any person keeping or maintaining such poultry, pigeons, fowl, animal or livestock contrary to this subsection as of August 5, 2003, may continue to keep or maintain such a nonconforming use upon receipt of a permit from the Village Clerk in accordance with rules established by resolution of the Village Board as long as a public nuisance is not created.

C. Exceptions. The exceptions to this section shall apply as in § 102-5.

D. Prohibitions. The prohibitions of this section shall apply as in § 102-5.

Section 2: Section 9 (Shelter) of Article II (Prohibited and Protected Animals, Fowl, Reptiles and Insects) of Chapter 102 (Animals), of the Code of the Village of Hobart, is hereby repealed and recreated to read as follows:

§ 102-9. Shelter.

A. No person owning or responsible for any animal may fail to provide the animal with proper shelter as prescribed in this section. No person shall confine and/or allow said animals to remain outside during adverse weather conditions, constituting a health hazard to such animal.

B. Minimum indoor standards of shelter shall include ambient temperatures compatible with the health of the animal and shall be adequately ventilated by natural or mechanical means to provide for the health of the animal.

C. Minimum outdoor standards of shelter shall include shelter from sunlight when such is likely to cause heat exhaustion or other ill effects. Natural or artificial shelter appropriate to the local climatic conditions for the species shall be provided as necessary for the health of the animal.

D. Minimum indoor and outdoor standards for enclosures and shelters shall be constructed and maintained so as to provide sufficient space to allow adequate freedom of movement and the retention of body heat for the health of the animal.

(1) Shelter requirements for chickens required to be licensed per § 102-11A shall meet the following requirements:

(a) The shelter shall be structurally sound, moisture proof and maintained in good repair;

(b) Chickens shall be provided shelters that are enclosed, predator proof, insulated and adequately ventilated;

(c) Shelters shall use exterior finish materials approved for exterior use and shall be of finish materials and color which is substantially similar to those used in the principal structure;

(d) A sufficient quantity of suitable clean bedding material, to provide insulation and protection against the cold and dampness and promote the retention of body heat, shall be required;

(e) Shelters shall be provided an entrance covered by a self-closing swinging covering or an L-shaped entrance to prevent the wind from blowing directly into the shelter;

(f) Chicken shelters shall measure a minimum of seven square feet in area or three square feet in area per chicken, whichever is greater;

(g) Chicken shelters shall be provided with one nest box per chicken;

(h) Chicken shelters shall be provided with elevated perches to ensure chickens are able to rest in their natural roosting position;

(i) Chicken shelters shall be constructed and maintained so as to prevent rodents from being harbored underneath, or within the walls or roof of, said structure;

(j) Chicken shelters, food storage units, and waste compost shall be placed to maintain a minimum 15 feet setback from abutting properties and shall be located in the rear yard of the property as defined by the Zoning Ordinance;

(k) Chickens shall be secured within the shelter during non-daylight hours;

(2) Fence enclosure (run) requirements for chickens required to be licensed per § 102-11A shall meet the following requirements:

(a) Chickens shall be provided with access to an outdoor fence enclosure (run) measuring at least 10 square feet in area or six square feet per chicken, whichever is greater, for the majority of daylight hours, weather permitting. Such run area shall be located to maintain a minimum 15 feet setback from abutting properties and shall not be located closer to side or rear property lines than the shelter.

(b) Chicken shelters shall provide direct access to the outdoor fence enclosure (run).

(c) Fencing must have spacing of no more than one inch;

(d) Fencing shall be no less than three feet and no greater than six feet in height;

(e) The fence enclosure requirements must be maintained all year, regardless of weather.

E. Minimum sanitation standards for both indoor and outdoor enclosures shall include daily cleaning to remove excreta and other waste materials, dirt, and trash so as to minimize health hazards.

F. No person may intentionally abandon any animal.

Section 3: Section 11 (Licensing) of Article III (Licensing and Regulation of Animals) of Chapter 102 (Animals), of the Code of the Village of Hobart, is hereby repealed and recreated to read as follows:

§ 102-11. Licensing.

A. License required.

(1) Every person residing in the Village who owns a dog which is more than five months of age on January 1 shall annually at the time and in the manner prescribed by law for the payment of personal property taxes obtain a license therefor.

(2) Every person in the Village residing in an R-2, R-2-R or R-3 Single-Family Zoning Districts who plans to own or harbor one or more chickens shall secure an annual license in the same manner as required for dogs, except that the license shall be required regardless of the age of the chickens. Every person in the Village residing in an R-1 or R-4 Single-Family Zoning District who plans to own or harbor one or more chickens shall secure an annual Supplementary License from the Village Clerk. The Village Clerk shall not issue a Supplementary License until after receiving approval from the Village Board after receiving a recommendation from the Village Planning & Zoning Commission. The property owners within 100 feet of the property boundaries of the applicant applying for the Supplementary License shall be notified by first

class U.S. mail at least one week prior to the meeting of the Village Board. Either license and associated fees are to keep chickens and not a "per chicken" license.

(a) Initial license applications. Upon receipt of an initial license application, the Village, by mail, shall notify all abutting residentially used properties of the applicant's property lines, exclusive of street rights-of-way. This provision shall only apply for approval of the initial license application and not for renewal of consecutive licenses, except for the consecutive issuance of a Supplementary License as required in 102-11 A. (2). In cases where the license lapses by more than 30 days, any application shall be considered an initial application.

(b) The holder of a license to own or harbor chickens agrees to allow representatives of the Village to enter and inspect the premises upon reasonable notice to assess compliance with all standards of section 102. The Village Clerk shall not renew any license of an operator that does not, within a reasonable timeframe, correct any deficiencies identified upon written notice from the Village.

B. Fees. The license fees will be as determined by resolution of the Village Board.

C. State law adopted. Chapter 174, Wis. Stats., pertaining to licensing of dogs, is made part of this section by reference.

Section 4: Section 12 (Number of Animals Limited) of Article III (Licensing and Regulation of Animals) of Chapter 102 (Animals), of the Code of the Village of Hobart, is hereby repealed and recreated to read as follows:

§ 102-12. Number of animals limited.

A. No person shall own, harbor, or keep in his possession more than two dogs on property zoned residential, with the exception that a litter of pups, or a portion of a litter, may be kept for not exceeding 12 weeks from birth on a parcel consisting of 2 1/2 acres or less. On parcels more than 2 1/2 acres in size, no person shall own, harbor, or keep in his possession more than five dogs on property zoned residential, with the exception that a litter of pups, or a portion of a litter, may be kept for not exceeding 12 weeks from birth.

B. A person seeking a variance in the number of dogs allowed in Subsection A above, for parcels consisting of 2 1/2 acres or less, may do so by submitting a form designated by the Village. The variance may be granted by the Chief of Police or his or her designee.

(1) In no event shall the number of dogs in a dwelling unit exceed four.

(2) All dogs must be properly licensed with the Village.

(3) The Chief of Police shall consider whether there have been any complaints of any violation of this article against the owner or property owner in all variance requests. Such variance may be subject to conditions as deemed appropriate by the Chief of Police.

(4) The variance may be revoked by the Chief of Police if any condition specified in the variance is not met. The variance may also be revoked by the Chief of Police if a complaint regarding violation of this article is received after the variance is granted.

(5) All decisions to deny a variance request or revoke a previously granted variance may be appealed to the Village Board if written notice of appeal is received by the Village Administrator within 14 days of receipt of the revocation notice. The Board shall consider the appeal at its next regularly scheduled meeting.

(6) There shall be no variances allowed in the maximum number of chickens.

C. For the purpose of determining the size of a property for the regulation of the number of dogs permitted, adjoining parcels owned by the same person may be combined to determine the total acreage for regulation purposes as described in Subsection A above.

D. If a person owns, harbors or keeps more than the allowable number of dogs under Subsection A above at the time the ordinance establishing the limit is passed, they shall not be required to remove any dogs from the property, but will not be able to replace any dog, after they are no longer owned, harbored or kept on the property permanently, until the person is in compliance with the ordinance.

E. No person in the Village residing in an R-2, R-2-R or R-3 Single-Family Zoning Districts shall own, harbor or keep in his or her possession more than six chickens. No person in the Village residing in an R-1 or R-4 Single-Family Zoning District shall own, harbor, or keep in his or her possession more than four chickens. The total number of chickens permitted to be harbored or kept in the R-1 or R-4 zoning districts may be increased to a maximum of six chickens if the applicant provides signed letters (including, name, address, and phone number) from a minimum of two-thirds of the abutting property owners and occupants indicating that they have not experienced any problems with the animals at the requesting residence (i.e., excessive noise, animals running loose, unsanitary conditions, or the similar) and that they approve of the additional number of animals being requested. Permission for the increased number shall be obtained annually and submitted on the approved form with the Supplementary License. For the purposes of this section, a "chicken" shall be defined as a domestic hen or pullet of the subspecies *Gallus gallus domesticus*. No roosters are allowed.

Section 5: Section 13 (Animals Not to Run At Large) of Article III (Licensing and Regulation of Animals) of Chapter 102 (Animals), of the Code of the Village of Hobart, is hereby repealed and recreated to read as follows:

§ 102-13. Animals not to run at large.

A. No person shall own, harbor or keep a dog which runs at large. Any dog not on a leash, nor within the property limits of its owner or keeper, is declared to be "at large," and is declared to be a public nuisance. A "leash" shall be defined as a chain, cord or rope which is not more than 10 feet in length, and which is of sufficient strength to control the actions of the animal. Any police officer, humane officer or other designated public official of the Village may enter any premises, except that premises of the owner or keeper of such animal, and capture, by any reasonable and necessary means, such animal.

B. A dog that is actively engaged in a legal hunting activity, including training, is not considered to be running at large if a dog is monitored or supervised by a person and the dog is on land that is open to hunting or on land on which the person has obtained permission to hunt or to train a dog.

C. No person in the Village residing in an R-1, R2, R-2-R, R-3, or R-4-Single-Family Zoning District shall own, harbor or keep a chicken which runs at large. Any chicken not secured within a fenced enclosure

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.

Section 6: Any Ordinance or parts thereof, inconsistent herewith are hereby repealed.

Section 7. This Ordinance shall be effective from and after its passage by the Village Board and publication as required by law.

Passed and approved on this 5th day of August, 2025.



Richard Heidel, Village President

Attest:



Aaron Kramer, Village Administrator

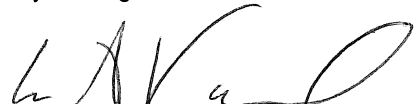
CERTIFICATION

The undersigned, being the duly appointed Clerk of the Board of the Village of Hobart, certifies that the aforementioned is the original ordinance adopted by the Village Board.

IN WITNESS WHEREOF, I have executed this Certificate in my official capacity on August 5, 2025.

(Seal)





Lisa Vanden Heuvel, Village Clerk