

**ORDINANCE NO. 3-2008**

An Ordinance providing for the amendment of “Chapter VII - Animals, Fowls and Birds” of the Code of Ordinances for the Town of Rochester, Racine County, State of Wisconsin.

The Town Board of the Town of Rochester, Racine County, Wisconsin, does hereby ordain as follows:

SECTION 1: “Section 7.30. Hoofed Animals” as stated in “CHAPTER VII - ANIMALS, FOWLS AND BIRDS” of the Town of Rochester Code of Ordinances is hereby deleted and restated as follows:

“SECTION 7.30. Restriction on Livestock and Other Non-Domestic Animals.

- a. Prohibition. No person shall place, allow or consent to the placement on his or her property any livestock, or other non-domestic animals, including horses, in a quantity greater than which the size of the property will allow as hereinafter set forth.
  
- b. Calculation of Animal Units. The quantity of animals allowed on any acre of property shall be based on the total number of animal units (AU) at the property. The total number of animal units for a given type of animal shall be calculated by multiplying the number of animals for each animal type by the appropriate equivalency factor as hereafter set forth and summing the products. Animals younger than six (6) months of age that are born on the property shall not be considered in calculating the allowable animal unit limit. The following shall set forth the allowable animal units and the minimum acreage required in order to maintain the applicable number of animal units.
  - 1. Minimum 2.5 Acres to 3.49 Acres      One animal unit
  - 2. 3.5 Acres to 4.49 Acres                      Two animal units
  - 3. 4.5 Acres to 4.99 Acres                      Three animal units

Notwithstanding anything contained in this ordinance to the contrary, the restrictions imposed hereunder shall not apply to agriculturally zoned parcels of real estate located within the Town which are equal to or greater than five (5) acres.

c. Animal Unit Equivalents:

Horses, cattle, mules and llamas                      One animal = one animal unit

Miniature horses, alpaca, swine, sheep  
and goats    Four animals = one animal unit

Turkeys, ducks, chickens, fowl and/or  
any other poultry    Ten fowl = one animal unit

d. Application Required. Notwithstanding any provision contained herein to the contrary, in the event that a property owner seeks to place, allow or consent to placement on his or her property containing less than five (5) acres, in excess of ten (10) animals, irrespective of the total number of animal units, said property owner shall apply for a Special Exception Permit, such Permit shall require the approval of the Town Board as hereinafter provided:

1. Not less than ten (10) days prior to the next regularly scheduled meeting of the Town Board, the applicant shall file with the Town Clerk a notice setting forth the following:

- The parcel of real estate that is the subject of the request;
- The specific type or types and number of animals and the total animal units as calculated hereunder, which the applicant proposes to place on the subject property;
- A statement addressing the factors which the Town Board will consider for approval as hereinafter provided;
- A site plan of the affected parcel of real estate which shows the following:
  - The area where the animals will be penned, including the distance that any such pen will be set back from adjacent property owners;
  - Manure storage areas. Additionally as an attachment to said site plan, the applicant shall include a written plan for how the applicant will provide for the regular removing, spreading or other disposal of manure so that it does not become unsightly or emit odor beyond the property boundary or become a public nuisance.

- Adequate drainage facilities located on the property or to be implemented by the property owner so as to protect surrounding properties from surface water discharge containing contaminants including but not limited to sediment or organic waste.
2. At the next regularly scheduled Town Board meeting, the Town Board shall vote to approve the Permit, deny the Permit, or request additional information from the applicant which shall be provided at the next regularly scheduled meeting of the Town Board. Additionally, the Town Board may place certain conditions of its approval of the application which reasonably impact the health, safety and welfare of the Town of Rochester. In reviewing the application and when placing conditions on any such approval, where applicable, the Town Board shall consider the following factors:
- Whether the proposed use will be in harmony and compatible with the character of the surrounding area;
  - Whether the proposed use will result in an over-intensive use of the land;
  - Whether the proposed use will cause significant air, water or noise pollution;
  - Whether the proposed use is adequately landscaped, buffered and/or screened;
  - Whether the proposed use will be otherwise detrimental to the health, safety, or welfare of the neighboring land owners or the Town of Rochester.”
3. In the event that any property owner who has attained a Special Exception Permit hereunder fails to comply with any condition placed on said Permit pursuant Section 7.30(b)(2), or fails to maintain the property in a manner consistent with the site plan required under this Section 7.30(b)(1), said Special Exception Permit shall be subject to revocation by the Town Board at any regularly schedule meeting of the Town Board, provided that the property owners subject to the potential revocation has been provided with not less then ten (10) days prior written notice via U.S. mail of the proposed revocation.
- e. As of the effective date of this Ordinance as hereinafter provided, property owners who maintain on his or her property livestock, horses or other non-domestic animals contemplated by this Ordinance in quantities in excess of that allowed hereunder

shall be allowed to continue to maintain those quantities as a legal non-conforming use. In the event that any such property owner seeks to exceed the quantity of such livestock, horses or non-domestic animals covered by this Section 7.30 of the Code of Ordinances, said property owner shall be required to apply for a Special Exception Permit as provided hereunder.

SECTION 2: “Section 7.400 Penalties” as stated in “CHAPTER VII- ANIMALS, FOWLS AND BIRDS” of the Town of Rochester Code of Ordinances is hereby deleted and restated as follows:

“SECTION 7.400. Penalties. Every person, firm, or corporation convicted of a violation of any of the provisions of this Ordinance shall, for each such offense, be punishable by a forfeiture of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) together with the costs of prosecution, and in default of payment of such forfeiture and costs, by imprisonment in the Racine County House of Corrections until payment of the forfeiture and costs, or as otherwise ordered by the Court, not to exceed thirty (30) days for each such violation. Additionally, each day that a violation of this Chapter continues or occurs shall constitute a separate offense, and nothing in this Chapter shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter by injunction or other equitable relief.”

This Ordinance and the amendment of “CHAPTER VII - ANIMALS, FOWLS AND BIRDS” of the Town of Rochester Code of Ordinances as provided for hereunder shall become effective after passage of publication as required by law.

Introduced and adopted this \_\_\_\_\_ of September, 2008.

TOWN OF ROCHESTER  
RACINE COUNTY, WISCONSIN

By: \_\_\_\_\_  
Gary J. Beck-Town Chairman

ATTEST:

By: \_\_\_\_\_  
Paul Beere-Supervisor

\_\_\_\_\_  
Betty J. Novy-Town Clerk

By: \_\_\_\_\_  
Mike Weinkauf-Supervisor