

ORD. NO. TOJ-2026-001

AN ORDINANCE TO AMEND SECTION 3.01(B) OF TITLE X, THE ZONING ORDINANCE, OF THE MUNICIPAL CODE OF ORDINANCES OF THE TOWN OF JACKSON, WASHINGTON COUNTY, WISCONSIN TO PERMIT THE KEEPING OF CHICKENS AND/OR DUCKS IN R-1 SINGLE FAMILY RESIDENTIAL ZONING AS AN ACCESSORY USE,

WHEREAS, at meetings held on Wednesday, December 03, 2025, and Wednesday, January 28, 2026, the Town Park and Planning Commission considered a proposed change and amendment to the Town of Jackson Zoning Ordinance to regulate the keeping of chickens and/or ducks within the R-1 Single Family Residential District in Town of Jackson; and

WHEREAS, at said meeting, the Town Park and Planning Commission voted to recommend an amendment to the Zoning Ordinance to regulate the keeping of chickens and/or ducks within the R-1 Single Family Residential District in the Town of Jackson; and

WHEREAS, following publication of a Class 2 notice, the Town Board for the Town of Jackson held Public Hearings on Thursday, October 9, 2025, and Thursday, February 12, 2026, to receive comments from the public concerning the recommendation for amendments as required in Section 14 of Title X of the Town of Jackson Zoning Ordinance; and

WHEREAS, having determined that all procedural and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such rezoning on the health, safety, and welfare of the community and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved as well as the impact on the community as to noise, dust, smoke, odor, and others, hereby determines that the rezoning will not violate the spirit or intent of the Zoning Ordinance for the Town of Jackson, will not be contrary to the public health, safety, or general welfare of the Town of Jackson, will not be hazardous, harmful, noxious, offensive, or a nuisance by reason of noise, dust, smoke, odor, or other similar factors and will not, for any other reason, cause a substantial adverse effect on the property values and general desirability of the neighborhood as long as the operation is conducted pursuant to the following conditions and in strict compliance with the same and is consistent with the recommendations found in the Town of Jackson Comprehensive Plan;

NOW, THEREFORE, the Town Board of the Town of Jackson, Washington County, Wisconsin,
DO ORDAIN AS FOLLOWS:

Section 1. Title X, Section 3.05(B), "Permitted Accessory Uses" is amended by the creation of subsection (6) to read as follows:

(6) Keeping and raising of domestic chickens and/or ducks shall be permitted subjected to initial and continued compliance with all of the following conditions.

- a. Subject to the terms of this ordinance, up to five (5) domestic chickens and/or ducks of the subspecies *Gallus gallus domesticus* may be kept on a residential parcel up to one (1) acre or less in the R-1 Single Family Residential District. An additional five (5) domestic chickens and/or ducks may be added for each additional acre of land.
- b. No chicken/duck coop may be constructed or maintained, and no chicken(s) and/or duck(s) may be kept in the R-1 Single Family Residential District except in compliance with Title X.
- c. The property owner shall apply for and receive a zoning permit under Section 2.03 for the construction and/or placement of a chicken/duck coop that conforms to the requirements of this section. The permit application shall also indicate the number of chickens and/or ducks.
- d. At the time of applying for the permit required under sub. (c), the property owner or occupant must submit all of the following:
 - a. The registration number of the applicant's completed Livestock Premises Registration with the Wisconsin Department of Agriculture, Trade, and Consumer Protection to the Zoning Administrator. The property owner, thereafter, shall submit a copy of all Livestock Premises Registration renewals to the Zoning Administrator.
 - b. The owner or occupant must submit a site plan to the Zoning Administrator that shows the location of all structures located on the applicant's real property, the location of all structures located on all abutting properties, and the proposed location of the coop.
 - c. Any permit application fee established by the Town Board from time to time.
- e. No rooster(s) is/are permitted. For purposes of this ordinance, a "rooster" means any male chicken, regardless of age, including a capon or otherwise neutered male chicken.

- f. Noise from chickens and/or ducks shall not be so loud as to disturb a person of ordinary sensitivity.
- g. No live chickens and/or ducks may be kept within a building that is designed for or used for human occupancy.
- h. Chickens and/or ducks shall be kept only for the personal use of the property owner(s) or occupant(s). No signs, advertising, or roadside stands for commercial eggs sales are permitted.
- i. Chickens and/or ducks shall be housed in a coop. A coop shall be no less than three (3) square feet of space per chicken/duck and must be connected to a secured and fully ventilated pen (also required) which contains not less than seven square feet of space per chicken/duck and an appropriately sized nesting boxes (also required). Pens shall be properly sized as will permit the full spread of the kept bird's wingspan and allow each chicken and/or duck to walk and run. An existing garage, shed, or small structure may serve as a coop if compliant with the remaining terms and conditions of this Section.
- j. No person shall keep any chicken(s) and/or duck(s) in any location on a residential property other than in the rear yard.
- k. Notwithstanding the setback requirements in sub. (3) of this section, all coops, pens, nesting boxes, and any other structure or enclosure associated with the keeping of chickens and/or ducks must be located at least 40 feet from a neighboring residential structure, not including a detached garage, at least ten (10) feet from a side or rear property line and at least ten (10) feet from the residence on the property where the chickens and/or ducks are kept.
- l. The onsite slaughtering of chickens and/or ducks is permitted and must be out of the public view.
- m. Upon death of a chicken and/or duck, the permittee must promptly dispose of the chicken or duck in a sanitary manner.
- n. Chickens and/or ducks shall be kept and handled in a sanitary manner.
- o. Chickens and/or ducks must be kept in a coop and pen when not being monitored by a responsible individual. When allowed to roam free, chickens and/or ducks must be monitored and within a fenced enclosure. Chickens and/or ducks shall be secured in the coop during non-daylight hours.
- p. The coop shall be enclosed on all sides and have a roof and doors. Access doors must be able to be shut at night. Opening windows and vents must be covered with predator and bird-proof wire or fencing of no more than one-inch openings.

- q. All enclosures must provide adequate ventilation as well as sun protection, and be sanitary, weatherproofed and impermeable to rodents, wild birds, and predators, including dogs and cats. These enclosures must also be moisture-proof and maintained in good repair with sufficient space for freedom of movement and retention of body heat with elevated perches for natural roosting position. The nesting boxes must be elevated off the ground.
- r. The owner/occupant shall be responsible for regular removal and lawful disposal of chicken and duck waste including manure, droppings, organic bedding materials, and spoiled seed to prevent any adverse effects related to odor or unsanitary conditions.
- s. All chicken and duck feed shall be properly enclosed/stored to avoid problems associated with rodent(s), insects, and etc. infestation that may result.
- t. Chickens and ducks shall not be turned loose or taken to the local humane society when no longer wanted.
- u. In addition to compliance with the requirements of this section, no person shall keep any chicken(s) and/or duck(s) in a manner that causes any nuisance, unhealthy condition, creates a public health threat, or otherwise interferes with the reasonable use of property and the enjoyment of life by any human(s) or other animals.

SECTION 2: SEVERABILITY.

The several sections of this Ordinance are declared to be severable. If any section or provision thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such declaration shall apply only to the specific section(s) or portion(s) thereof directly specified in said declaration and shall not affect the validity of any other provisions, sections, or portions of the Ordinance, which shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This Ordinance shall take effect upon its passage and posting/publication as provided by law.

Passed and adopted by the Town Board of the Town of Jackson, Washington County, Wisconsin this 12th day of FEBRUARY, 2026.


Robert Hartwig, Chairman


David Behringer, Supervisor


Marcy Bishop, Supervisor


Joe Kufahl, Supervisor


Paul Huettl, Supervisor

Attest: 
Robert Eichner, Town Clerk

