

MEETING NOTICE

The City of Stoughton will hold a Regular meeting of the **Planning Commission** on **Monday, July 12, 2010 at 6:00pm** at the **Stoughton Area Senior Center, 248 W. Main Street**, Stoughton WI.

***NOTE: CHANGE OF LOCATION**

AGENDA

1. Call to order
 2. Consider approval of the minutes of June 7, 2010.
 3. Council Representative Report.
 4. Status of Developments & Meeting Summary (Page 6)
 5. Proposed Zoning Ordinance amendment pertaining to Indoor and Outdoor Commercial Entertainment. (Page 8)
 - Public Hearing
 - Recommendation to Council
 6. Proposed Zoning Ordinance amendment to allow the keeping of chicken's at all single family residentially zoned property. (Page 15)
 - Public Hearing
 - Recommendation to Council
 7. Proposed Buildings and Building Regulations amendment banning all Outdoor Solid Fuel-Fired Heating Furnaces. (Page 44)
 - Public Hearing
 - Recommendation to Council
 8. Request by Bernie Esch of Electrical Solutions to install parking lot lighting at Doctors Park, 1520 Vernon Street. (Page 58)
 9. Mark Rosenbaum requests site plan approval for an addition at North American Fur, 205 Industrial Circle. (Page 61)
 10. Ming Zhang requests approval to overlay the parking lot at 1512 US Highway 51 & 138.(Page 67)
 11. Bill Wenzel requests to discuss the fencing regulations, specifically the requirement to allow maintenance free fencing to be installed 6 inches from the property line. (Page 69)
 12. Future agenda items
 13. Adjournment
- 7/2/10mps

COMMISSIONERS:

Mayor Donna Olson, Chair
Eric Hohol, Vice-Chair
Rollie Odland

Todd Krcma
Carl Chenoweth

Ron Christianson
Troy Wieser

PACKETS:

Rodney Scheel
Troy Wieser

Michael Stacey (3)
Todd Krcma

Rollie Odland
Mayor Donna Olson

E-MAIL NOTICES:

All Department Heads
Pili Hougan
Scott Wegner
Area Townships

Council members
Peter Sveum
Autumn Dressell – HUB

Steve Kittelson
Derek Westby
City Attorney Matt Dregne

MAIL NOTICES:

David Atkins, PO Box 471, Stoughton; K & K of Stoughton LLC, 2108 Wood View Drive, Stoughton; Jamie Bush, 1149 Lincoln Road, Oregon, WI. 53575; Bill Wenzel, PO Box 272, Stoughton; Electrical Solutions, Bernie Esch, 2928 County Highway MN, Stoughton; Mark Rosenbaum, 972 US Highway 138 South, Stoughton; John Petty, 110 N. Page Street, Stoughton; Gennifer Mott, 816 Park Street, Stoughton; Ming Zhang, 2204 Jackson Street, Stoughton;

IF YOU ARE DISABLED & IN NEED OF ASSISTANCE, PLEASE CALL 873-6677 PRIOR TO THIS MEETING.

NOTE: AN EXPANDED MEETING MAY CONSTITUTE A QUORUM OF THE COUNCIL.

Planning Commission Meeting Minutes

Monday, June 7, 2010 - 6:00 p.m.

Hall of Fame Room, City Hall, Lower Level, 381 E. Main Street, Stoughton, WI.

Members Present: Chair-Mayor Donna Olson; Carl Chenoweth; Vice-Chair, Eric Hohol; Rollie Odland; Ron Christianson and Troy Wieser.

Absent and Excused: Todd Krcma

Staff: Director of Planning & Development, Rodney Scheel; Zoning Administrator, Michael Stacey; Parks & Recreation Director, Tom Lynch.

Guests: David Atkins; Dave Knop; Jamie Bush; Steve Tone; Gennifer Mott; and Zach Bentzler.

1. Call to order. Mayor Olson called the meeting to order at 6:00 pm.

2. Consider approval of the May 10, 2010 minutes.

Motion by **Chenoweth** to approve the minutes of May 10, 2010 as presented, 2nd by **Wieser**. Motion carried 6 - 0.

3. Council Representative Report.

Hohol stated there was discussion regarding signage on outfield fencing at City parks and the Council decided to send the ordinance back to Planning. Additionally, the following items were approved by the Common Council as recommended: Walt Olson CSM; DCHA Resolution; and the Pre-Annexation Agreement for the Payne & Dolan property.

4. Status of Developments/Projects.

Scheel gave an overview on the status of specific projects and noted there has been 4 single family home permits issued compared to 1 last year. There were no questions.

5. Discuss proposed ordinance amendments and information pertaining to the Keeping of Chickens.

Steve Tone and Gennifer Mott gave a presentation about the keeping of chickens. Scheel stated that staff is looking for direction from the Commission if there is support to move forward with a public hearing on a zoning ordinance amendment. Scheel noted there are other ordinance amendments that would be reviewed by the Public Safety Committee in conjunction with this amendment. Hohol stated there seems to be community interest in the keeping of chickens and he would support a zoning amendment.

Motion by **Hohol** to move forward with a public hearing to amend the zoning code to allow the keeping of chickens in residential districts, 2nd by **Chenoweth**.

Wieser stated that the smell of chicken waste is a major concern and he will not support it for that reason. Christianson stated he cannot support an amendment at this time. Chenoweth stated he is in favor of small scale raising of hens. Motion carried 4 – 2 (Wieser and Christianson voted no)

6. Discuss proposed zoning ordinance amendments pertaining to Indoor & Outdoor Commercial Entertainment.

Scheel gave an overview of the proposed zoning ordinance amendment. Hohol questioned the change from a conditional use to a permitted use. Scheel stated indoor commercial entertainment is still a conditional use for taverns.

Motion by Chenoweth to move forward with a public hearing to amend the zoning code to allow outdoor seating areas and patios for indoor commercial entertainment uses; to add outdoor commercial entertainment to the planned development district and to remove outdoor commercial entertainment from the central business district, 2nd by Wieser.

There was a discussion regarding the zoning code amendment and how it will affect existing taverns vs the outdoor alcohol consumption ordinance. Scheel stated it will be a 2-step process between the Planning Commission for the zoning and the Public Safety Committee for the outdoor alcohol consumption. Motion carried 6 – 0.

7. Tom Lynch, Parks & Recreation Director, requests the creation of zoning code section 78-803 (2) (I), to allow exempt signage on softball/baseball outfield fencing, on City owned parkland for advertising purposes. (Referred back from Council)

Tom Lynch stated he would like further discussion on this issue with the Parks and Recreation Committee and Council people. Chenoweth stated he would like to make a motion to send this request back to the Parks and Recreation Committee. Chenoweth took back his motion. Chenoweth explained the history of this request from when he was on the Parks and Recreation Committee. Chenoweth believes the spirit of the signage regulations is not being met and that signage should be controlled through the zoning code not city policy. Chenoweth believes allowing the signage in Racetrack Park only will give us a chance to review the potential impacts of signage in parks. Hohol questioned whether the zoning code should control signage or city policy. Scheel stated the zoning code is the most consistent way to control signage.

Motion by Hohol to send this request back to the Parks and Recreation Committee and have planning staff work with them to propose an amendment to the zoning code, 2nd by Chenoweth. Motion carried 6 – 0.

8. Discuss proposed building ordinance amendment pertaining to Outdoor Furnaces.

Scheel explained the proposed zoning ordinance amendment was created as a starting point. A lengthy discussion took place about the proposed amendment. Everyone agreed that very few properties could comply with the proposed ordinance. The consensus is to just amend the ordinance to ban outdoor furnaces. Scheel

stated a public hearing is not required for building code amendments but we could have one anyway. Hohol stated he is in favor of a public hearing on the matter.

Motion by **Hohol** to direct staff to rewrite an amendment to ban outdoor furnaces and to have a public hearing at the next planning commission meeting, 2nd by **Chenoweth**. Motion to carried 6 – 0.

9. Future Agenda Items. Indoor & Outdoor Commercial Entertainment Zoning Amendment; Keeping of Chickens ordinance amendment; Outdoor Furnaces; and possibly Movin` Out reconfiguration of buildings GDP.

10. Adjournment. Motion by **Chenoweth** to adjourn at 7:12 pm, 2nd by **Wieser**. Motion carried 6 – 0.

Respectfully Submitted,
Michael Stacey



CITY OF STOUGHTON
DEPARTMENT OF
PLANNING & DEVELOPMENT
381 East Main Street, Stoughton, WI. 53589

(608) 873-6619

www.cityofstoughton.com/planning

RODNEY J. SCHEEL
DIRECTOR

Date: July 2, 2010

To: Planning Commission Members

From: Rodney J. Scheel
Director of Planning & Development

Michael Stacey
Zoning Administrator/Assistant Planner

Subject: July 12, 2010 Planning Commission Meeting - Status of Developments and Meeting Summary.

Status of Developments:

- West View Ridge - 33 improved lots remaining.
- Barberry Fields - 3 improved lots remaining.
- Stone Crest - 12 improved lots remaining.
- Nordic Ridge – No improvements.
- Blackhawk Community Credit Union – Nearly Complete.
- Stellar Services Building – Completed.
- Tom Haag Building - Completed.
- North American Fur Expansions – In Process.
- 6 single family home permits issued for 2010 compared to 1 in 2009.

Meeting Summary:

Item #5 – Proposed zoning ordinance amendments pertaining to Indoor & Outdoor Commercial Entertainment. A zoning ordinance amendment is provided that if approved would allow outdoor seating and patio areas for Indoor Commercial Entertainment uses. These types of uses will require a conditional use permit. Examples of Indoor Commercial Entertainment uses are restaurants; taverns; health or fitness centers; all forms of training studios; bowling alleys; arcades; roller rinks and pool halls. Also provided is an amendment to remove Outdoor Commercial Entertainment within the Central Business District and an amendment to include Outdoor Commercial Entertainment as a conditional use within the Planned Business District. Examples of Outdoor Commercial Entertainment uses are miniature golf courses; go-cart tracks; commercial swimming pools; driving ranges; amusement parks and drive-in theaters. A public hearing and recommendation to the Common Council is necessary.

Item #6 - Proposed zoning ordinance amendment to allow the keeping of chicken's at all single family residentially zoned property. A zoning ordinance amendment is provided that if approved will allow the keeping of chicken's at all single family residentially zoned property. Steve Tone and Gennifer Mott have provided some background information. John Petty has

provided information related to State of Wisconsin regulations for keeping chickens. A public hearing and recommendation to the Common Council is necessary.

Item #7 - Proposed Building and Building Regulations Ordinance amendment banning all Outdoor Solid Fuel-Fired Heating Furnaces. An ordinance amendment is provided that if approved will ban the use of all Outdoor Solid Fuel-Fired Heating Furnaces within the City of Stoughton. A public hearing is not required but was requested by the Planning Commission. A public hearing is scheduled and a recommendation to the Common Council is necessary.

Item #8 - Request by Bernie Esch of Electrical Solutions to install parking lot lighting at Doctors Park, 1520 Vernon Street. There is currently no parking lot lighting at Doctors Park. The proposed lighting plan meets all zoning code requirements. The photometric plan and staff review are provided. Staff recommends approval.

Item #9 – Mark Rosenbaum requests site plan approval for an addition at North American Fur, 205 Industrial Circle. North American Fur is proposing to add an addition that will fill the gap between the north and south buildings. The addition will primarily be used for the drying of furs. This addition will not require additional employees. The site plan and staff review are provided. Staff recommends approval contingent on the June 28, 2010 staff review letter.

Item #10 – Ming Zhang requests approval to overlay the parking lot at 1512 US Highway 51 & 138. This request is to overlay with asphalt the existing parking lot and repaint the parking stalls including replacing a small section of landscaping in front of the building with asphalt. The building is currently vacant. The site plan and staff review letter are provided. Staff recommends approval.

Item #11 - Request by Bill Wenzel to discuss the fencing regulations, specifically the requirement to allow maintenance free fencing to be installed 6-inches from the property line. Mr. Wenzel has requested to address the Planning Commission regarding the requirement to allow maintenance free fencing to be installed 6-inches from the property line. This request is due to a recent fence installation adjacent to Mr. Wenzel's property. Mr. Wenzel's neighbor installed a fence in accordance with the fencing regulations. Mr. Wenzel's neighbor would have liked to install the fencing 6-inches from the lot line but could not because a post was installed over the lot line from Mr. Wenzel's property, so the fence was adjusted to accommodate the existing post. The height of the neighbor's fence is low enough (4 feet) to allow maintenance of grass by reaching over the fence even with a 2-foot setback. Staff has not had any complaints regarding the 6-inch requirement or the maintenance of the 6-inches of property. Most property owners would rather place the fencing right on the lot line. Staff has provided the fencing ordinance and a picture of the neighbor's fence and post encroachment. Staff does not see a need to amend the fencing regulations at this time.

A fencing regulations check was done of other communities as follows:

Sun Prairie: Fencing may be placed a minimum of 2 feet from the front lot line and may be placed directly on the side and rear lot lines;

Mount Horeb: Fencing may be placed a minimum of 6 inches from the side and rear lot lines;

Verona: Fencing may be placed a minimum of 2 feet from the front lot line and may be placed directly on the side and rear lot lines;

Waunakee: Fencing may be placed a minimum of 2 feet from the front lot line and may be placed directly on the side and rear lot lines.

NOTICE OF PUBLIC HEARING

The City of Stoughton Planning Commission will hold a **Public Hearing** on **Monday, July 12, 2010**, at **6:00 o'clock p.m.**, or as soon thereafter as the matter may be heard, at the **Stoughton Area Senior Center, 248 W. Main Street**, Stoughton, Wisconsin, to consider a proposed ordinance amendment to the City of Stoughton Municipal Code of Ordinances sections 78-206(4)(h); 78-105(4)(b)2b; & 78-105(4)(c)2b. These proposed amendments will allow indoor commercial entertainment uses such as restaurants and taverns to have outdoor seating and patios areas; will allow outdoor commercial entertainment uses such as driving ranges and go-cart tracks within the Planned Business District; and removes outdoor commercial entertainment uses from the Central Business District.

For questions regarding this notice please contact Assistant Planner Michael Stacey at 608-646-0421

Luann J. Alme
City Clerk

Published June 17, 2010 and June 24, 2010 Hub

S:\common\lja\pubhear\indoor commercial entertainment notice

**AN ORDINANCE TO AMEND SECTIONS 78-206(4)(h); 78-105(4)(b)2b & 78-105(4)(c)2b
OF THE STOUGHTON MUNICIPAL CODE**

The Common Council of the City of Stoughton, Dane County, Wisconsin, do ordain as follows:

1. Sections 78-206(4)(h); 78-105(4)(b)2b & 78-105(4)(c)2b of the Stoughton Municipal

Zoning Code are hereby amended and shall read as follows:

Sec. 78-206(4)(h) Indoor Commercial Entertainment

Description: Indoor commercial entertainment land uses include all land uses which provide entertainment services ~~entirely~~ primarily within an enclosed building. Outdoor seating or patio areas associated with a proposed indoor commercial entertainment land use shall be allowed subject to city approval of a site plan showing any such proposed outdoor seating or patio area. Such activities often have operating hours which extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.), bowling alleys, arcades, roller rinks, and pool halls.

1. **Regulations:**

- a. If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property.
- b. Facility shall provide bufferyard with minimum opacity of .60 along all borders of the property abutting residentially zoned property (see Section 78-610).

2. **Parking Requirements:**

One space per every three patron seats or lockers (whichever is greater); or one space per three persons at the maximum capacity of the establishment; (whichever is greater).

Sec. 78-105(4)(b)2b Planned Business (PB) District, Principal Land Uses Permitted as Conditional Use:

Outdoor Commercial Entertainment (per Section 78-206(4)(i))

Sec. 78-105(4)(c)2b Central Business (CB) District, Principal Land Uses Permitted as Conditional Use:

~~Outdoor Commercial Entertainment (per Section 78-206(4)(i))~~

2. This ordinance shall take effect after passage and publications as required by law.

Adopted on roll call at a regular meeting of the Common Council of the City of Stoughton held on the day of , 2010.

VOTE:

Ayes:

Noes:

Adopted:

Published:

APPROVED:

Donna L. Olson, Mayor

ATTEST:

Luann J. Alme, City Clerk

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(a) **Central Business (CB) District**

1. **Description and Purpose:**

This district is intended to permit both large and small scale "downtown" commercial development at an intensity which provides significant incentives for infill development, redevelopment, and the continued economic viability of existing development. To accomplish this effect, minimum Landscape Surface Ratios (LSRs) permitted in this district are much lower than those allowed in the Planned Business District. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, development within this district shall take access from a collector or arterial street. No requirements for on site landscaping or parking are required in this district. This district is strictly limited to the central City locations.

Rationale: This district is intended to provide an alternative, primarily infill development, designation for commercial activity to the Planned Business (PB) District and is designed to assist in maintaining the long-term viability of the central City.

2. **List of Allowable Principal Land Uses (per Article II)**

a. **Principal Land Uses Permitted by Right: (per Section 78-202(1))**

Cultivation (per Section 78-206(2)(a))
Selective Cutting (per Section 78-206(2)(f))
Passive Outdoor Public Recreation (per Section 78-206(3)(a))
Active Outdoor Public Recreation (per Section 78-206(3)(b))
Public Services and Utilities (per Section 78-206(3)(e))
Office (per Section 78-206(4)(a))
Personal or Professional Services (per Section 78-206(4)(b))
Indoor Sales or Service (per Section 78-206(4)(c))
Indoor Maintenance Service (per Section 78-206(4)(e))
Off-Site Parking Lot (per Section 78-206(6)(a))

b. **Principal Land Uses Permitted as Conditional Use: (per Section 78-202(2))**

Clear Cutting (per Section 78-206(2)(g))
Community Gardens (per Section 78-206(2)(h))
Market Gardens (per Section 78-206(2)(i))
Indoor Institutional (per Section 78-206(3)(c))
Outdoor Institutional (per Section 78-206(3)(d))
Institutional Residential (per Section 78-206(3)(f))
In-Vehicle Sales or Service (per Section 78-206(4)(g))
Indoor Commercial Entertainment (per Section 78-206(4)(h))
Outdoor Commercial Entertainment (per Section 78-206(4)(i))
Commercial Indoor Lodging (per Section 78-206(4)(k))
Bed and Breakfast Establishments (per Section 78-206(4)(l))
Group Day Care Center (9+ children) (per Section 78-206(4)(m))
Boarding House (per Section 78-206(4)(o))

(b) **Planned Business (PB) District**

1. **Description and Purpose:**

This district is intended to permit large and small scale commercial development which is compatible with the desired overall community character of the area in general. Significant areas of landscaping are required in this district to ensure that this effect is achieved. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, development within this district shall take access from a collector or arterial street.

Rationale: This district is intended to provide the principal zoning district for commercial development which occurs after the adoption of this Chapter. The standards of this district are designed to provide a clear distinction from the Central Business District in terms of permitted intensity of development, treatment of outdoor sales, and required green space areas. The desired suburban community character of the development is attained through the Landscape Surface Area Ratio (LSR) requirements. Together, these requirements ensure that the desired community character is maintained as long as the Planned Business District designation is retained, regardless of how much development occurs within that area.

2. **List of Allowable Principal Land Uses (per Article II)**

a. **Principal Land Uses Permitted by Right: (per Section 78-202(1))**

Cultivation (per Section 78-206(2)(a))
Selective Cutting (per Section 78-206(2)(f))
Passive Outdoor Public Recreation (per Section 78-206(3)(a))
Active Outdoor Public Recreation (per Section 78-206(3)(b))
Public Services and Utilities (per Section 78-206(3)(e))
Office (per Section 78-206(4)(a))
Personal or Professional Services (per Section 78-206(4)(b))
Indoor Sales or Service (per Section 78-206(4)(c))
Indoor Maintenance Service (per Section 78-206(4)(e))

b. **Principal Land Uses Permitted as Conditional Use: (per Section 78-202(2))**

Clear Cutting (per Section 78-206(2)(g))
Community Gardens (per Section 78-206(2)(h))
Market Gardens (per Section 78-206(2)(i))
Indoor Institutional (per Section 78-206(3)(c))
Outdoor Institutional (per Section 78-206(3)(d))
Outdoor Display (per Section 78-206(4)(d))
In-Vehicle Sales or Service (per Section 78-206(4)(g))
Indoor Commercial Entertainment (per Section 78-206(4)(h))
Commercial Animal Boarding (per Section 78-206(4)(j))
Commercial Indoor Lodging (per Section 78-206(4)(k))
Bed and Breakfast Establishments (per Section 78-206(4)(l))
Group Day Care Center (9+ children) (per Section 78-206(4)(m))
Vehicle Repair and Maintenance Service (per Section 78-206(4)(q))

2. Parking Requirements:

One space per 300 square feet of gross floor area, or one space per each employee on the largest shift, whichever is less.

(g) In-Vehicle Sales or Service

Description: In-vehicle sales and service land uses include all land uses which perform sales and/or services to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity (except vehicle repair and maintenance services, see Section 78-206(4)(q)). Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through facilities, vehicular fuel stations, all forms of car washes. If performed in conjunction with a principal land use (for example, a convenience store, restaurant or bank), in-vehicle sales and service land uses shall be considered an accessory use (see Section 78-206(8)(g)).

1. Regulations:

- a. Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lane(s).
- b. The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.
- c. In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this Section.
- d. The setback of any overhead canopy or similar structure shall be a minimum of 10 feet from all street rights-of-way lines, a minimum of 20 feet from all residentially-zoned property lines, and shall be a minimum of 5 feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 20 feet per the measurement of roof height. .
- e. All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum 4 ton axle load.
- f. Facility shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property (Section 78-610).
- g. Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and landscaped islands. Said curbs shall be a minimum of 6 inches high and be of a non-mountable design. No curb protecting an exterior fixture shall be located closer than 25 feet to all property lines.
- h. Any text or logo larger than one square foot per side on an overhead canopy or other accessory structure shall be considered a freestanding sign subject to regulation under Article VIII of this Chapter.

2. Parking Requirements:

Refer to the parking requirements of the other land use activities on the site (such as Indoor Sales and Service for a gas station/convenience store, or Office for a bank). Each drive-up lane shall have a minimum stacking length of 100 feet behind the pass through window and 40 feet beyond the pass through window. This requirement may be adjusted by the Plan Commission through the conditional use process.

(h) Indoor Commercial Entertainment

Description: Indoor commercial entertainment land uses include all land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours

which extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.), bowling alleys, arcades, roller rinks, and pool halls.

1. Regulations:

- a. If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property.
- b. Facility shall provide bufferyard with minimum opacity of .60 along all borders of the property abutting residentially zoned property (see Section 78-610).

2. Parking Requirements:

One space per every three patron seats or lockers (whichever is greater); or one space per three persons at the maximum capacity of the establishment; (whichever is greater).

(i) Outdoor Commercial Entertainment

Description: Outdoor commercial entertainment land uses include all land uses which provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash and late operating hours. Examples of such land uses include outdoor commercial swimming pools, driving ranges, miniature golf facilities, amusement parks, drive-in theaters, go-cart tracks, and racetracks.

1. Regulations:

- a. Activity areas shall not be located closer than 300 feet to a residentially zoned property.
- b. Facility shall provide bufferyard with minimum opacity of .80 along all borders of the property abutting residentially zoned property (Section 78-610).
- c. Activity areas (including drive-in movie screens) shall not be visible from any residentially-zoned property.

2. Parking Requirements:

One space for every three persons at the maximum capacity of the establishment.

(j) Commercial Animal Boarding

Description: Commercial animal boarding facility land uses include land uses which provide short-term and/or long-term boarding for animals. Examples of these land uses include commercial kennels and commercial stables. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate consideration.

1. Regulations:

- a. Each animal shall be provided with an indoor containment area.
- b. The minimum permitted size of horse or similar animal stall shall be 100 square feet
- c. Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured. (See Section 78-906.)

2. Parking Requirements:

One space per every 1,000 square feet of gross floor area.

NOTICE OF PUBLIC HEARING

The City of Stoughton Planning Commission will hold a **Public Hearing** on **Monday, July 12, 2010 at 6:00 o'clock p.m.**, or as soon after as the matter may be heard, at the **Stoughton Area Senior Center, 248 W. Main Street**, Stoughton, Wisconsin, 53589, to consider a proposed ordinance amendment to the City of Stoughton Municipal Code of Ordinances sections 78-105(2)(a)3a; 78-105(2)(b)3a; 78-105(2)(c)3a; 78-105(2)(d)3a; 78-105(2)(e)4a; 78-206(8)(y). These proposed amendments will allow the Keeping of Chickens in all Single Family Residential districts within the City of Stoughton, Dane County, Wisconsin.

There are other proposed ordinance amendments other than this proposed zoning ordinance amendment, related to the requirements and licensing for the keeping of chickens. For questions regarding this notice please contact Michael Stacey, Zoning Administrator at 608-646-0421

Luann J. Alme
City Clerk

Published June 17, 2010 and June 24, 2010 Hub

s:\common\lja\pubhear\keeping of chickens notice

AN ORDINANCE TO AMEND SECTIONS 78-105(2)(a)3a; 78-105(2)(b)3a; 78-105(2)(c)3a; 78-105(2)(d)3a; 78-105(2)(e)4a and 78-206(8)(y) OF THE STOUGHTON MUNICIPAL CODE

The Common Council of the City of Stoughton, Dane County, Wisconsin, do ordain as follows:

1. Sections 78-105(2)(a)3a; 78-105(2)(b)3a; 78-105(2)(c)3a; 78-105(2)(d)3a; 78-105(2)(e)4a and 78-206(8)(y) of the Stoughton Municipal Zoning Code are hereby amended and shall read as follows:

Sec. 78-105(2)(a)3a Exurban Residential (ER-1) District.

a. Accessory Land Uses Permitted by Right:

Keeping of chickens on a lot with a single family dwelling (per section 78-206(8)(y))

Sec. 78-105(2)(b)3a Single Family Residential (SR-3) District.

a. Accessory Land Uses Permitted by Right:

Keeping of chickens on a lot with a single family dwelling (per section 78-206(8)(y))

Sec. 78-105(2)(c)3a Single Family Residential (SR-4) District.

a. Accessory Land Uses Permitted by Right:

Keeping of chickens on a lot with a single family dwelling (per section 78-206(8)(y))

Sec. 78-105(2)(d)3a Single Family Residential (SR-5) District.

a. Accessory Land Uses Permitted by Right:

Keeping of chickens on a lot with a single family dwelling (per section 78-206(8)(y))

Sec. 78-105(2)(e)4a Single Family Residential (SR-6) District.

a. Accessory Land Uses Permitted by Right:

Keeping of chickens on a lot with a single family dwelling (per section 78-206(8)(y))

Sec. 78-206(8)(y) Accessory Land Uses

(y) Keeping of Chickens

Description: A maximum of 4 hen chickens are allowed by right on residentially zoned property with a single family residential unit including the following requirements:

1. Regulations:

- a. No person shall keep chickens without a city license. The license must be renewed annually.
- b. No chicken coop/run shall be closer than 25 feet to any residential structure on an adjacent lot and shall be located within the rear yard.
- c. All zoning requirements related to accessory structures are exempt for chicken coops/runs that are less than 65 square feet in area.
- d. Chicken coops/runs that are 65 square feet and larger in area must conform to the accessory structure requirements of the specific zoning district where located.
- e. Any electrical work requires an electrical permit through the Department of Planning & Development.

2. This ordinance shall take effect after passage and publications as required by law.

Adopted on roll call at a regular meeting of the Common Council of the City of Stoughton held on the day of , 2010.

VOTE:

APPROVED:

Ayes:

Donna L. Olson, Mayor

Noes:

Adopted:

ATTEST:

Published:

Luann J. Alme, City Clerk

Stoughton Planning Commission Briefing

compiled by *Chickens in Stoughton?!*, May 31, 2010

Last Update: June 1, 2010

Chickens in Stoughton?! is a loosely-formed group of individuals that are requesting that the city revise its laws to enable small micro-flocks of up to four female chickens (hens) to be kept within the city limits, with reasonable restrictions. We feel that the raising of chickens provides both children and adults an education in local, sustainable food practices, provides food security, promotes green living, expands our local food supply and provides an opportunity to learn responsibility and compassion towards animals.

In Stoughton, the potential keeping of chickens within the city limits impacts both the Municipal Code and the Zoning Ordinance. This document, prepared specifically for the Planning Commission, attempts to layout some of the issues they are likely to discuss and consider.

Why Chickens?

Cities all across the nation are reconsidering bans on backyard poultry that were enacted from the 1950s population migration from farm to urban environment. Recently, cities like Portland, Boise, Madison, Denver, Seattle, and Fort Collins have relaxed their laws and have begun allowing residents to keep a few backyard hens. According to Newsweek magazine, more than 65% of major cities now have chicken-keeping ordinances.

While everyone has their own reasons for embracing the idea of raising chickens for eggs in their own backyards, the recent interest in the last decade has accelerated due to the following factors:

1. Increased awareness of individual impacts on the environment (e.g., local food and “green living”)
2. Increased suspicion regarding the safety of food produced by large factories, particularly non-US sources
3. Increased awareness of the possible need to access alternative food sources in case of emergency.

But not everyone is in favor of chickens living in their neighborhood. Most people, when first exposed to the question of “urban chickens”, consider it a rather odd, or even a repulsive, request. Their experience with chickens often is a result of driving by large, smelly, profit-based operations, where chickens are considered “machines” that must produce or die. These chickens, often numbering 10,000 or more per factory, are raised their entire lives in less than one square foot of cage space each. Even so-called “cage free” hens are often only allocated two square feet of space, with no ability to actually roam outside of their production building. In these operations, odor and cleanliness often take a backseat to production levels and profit.

Micro-flocks of chickens kept in an urban environment are as dissimilar to the above as a family dog is to a large puppy mill. With small, attractive coops that blend in with the surrounding neighborhood, backyard chickens are the “spoiled cousins” of the typical farmyard or production hen. Much like their keepers, a clean and comfortable habitat is the norm for city chickens.

Due to some unique characteristics of female chickens, the trend of allowing chicken keeping in an urban environment has been steadily increasing over the last decade. Many cities, both smaller and larger than Stoughton, have changed their laws to allow residents to keep 3 to 6 hens fully contained within their backyard, where they are treated both as entertaining pets and as a ready provider of fresh, wholesome eggs.

A partial list of cities within Wisconsin that allow hens to be kept within the city limits includes:

- Fort Atkinson, pop. 11,895 (6 hens)
- Jefferson, pop. 7,822 (4 hens)
- Madison, pop. 231,916 (4 hens)
- Neenah, pop. 25,060 (4 hens)
- New Berlin, pop. 38,649 (4 hens)
- Sheboygan, pop. 47,895 (no limit)

Milwaukee, Racine and Shorewood are currently considering the issue. A more extensive national list is provided at the end of this document.

While the reasons are beyond the scope of this briefing, we believe that, of all the common farm animals, chickens represent the only one suitable for an urban environment. Please refer to our publication, *Common Backyard Chicken Objections*, for more information.

Typical Setup for Backyard Chickens

A typical backyard hen setup consists of a fully enclosed and secureable coop with 4 to 6 square feet of floor space and an enclosed run of 6 to 10 square feet per hen. For 4 hens, this makes a total of less than 64 square feet—smaller than the typical child's playset. The open areas of the coop/runs are protected by 1/2" hardware cloth on all sides, including the top, and often have their sides extended with wire mesh a foot into the soil. They are meant to be completely predator proof.

We have included at the end of this document several examples of coops commonly found in urban environments.

Concerns of Communities Considering Urban Chickens

In general, communities considering chickens in an urban environment have to satisfy concerns in three areas:

1. Structural
 - a. How big are the coops and runs
 - b. How will the animals be contained
 - c. Are there any construction standards
 - d. What zoning districts are they permitted
 - e. Where on the lot can they be erected
 - f. Do they need building permits
2. Environmental
 - a. How will noise be controlled
 - b. How will odors be controlled
 - c. Will there be an increase in predators or scavengers
 - d. Will there be an increased risk for human-transmittable disease
3. Enforcement
 - a. Will licensing be required
 - b. How will violations be handled
 - c. What additional effort is required to enforce these standards

Establishing reasonable restrictions and guidelines in these areas makes for rules that are fair to residents and easy to enforce. Typical to many cities' response to the above concerns are the following:

1. Structural
 - a. Lots with single family dwellings only
 - b. Only in backyards
 - c. Located either 20' to 25' from neighbor residential structures or 15' within lot boundaries
 - d. Coops and runs are subject to existing outbuilding restrictions
2. Environmental
 - a. Limit of 3 to 6 female chickens (hens) only, no roosters
 - b. Contained in a secured coop at night, and in an enclosed run or fenced yard at all other times
 - c. Feed kept in a secured container
 - d. Odors not detectable at lot boundaries

- e. Noise not significant at lot boundaries

3. Enforcement

- a. Annual licensing fee
- b. Applications must be approved
- c. Noise and at-large issues addressed as with dogs and cats
- d. Other issues addressed by animal control, building inspector, or licensing department

We have included at the end of this document a table listing several cities and their specific regulations as they pertain to keeping chickens in an urban environment.

Proposed Municipal Code Changes

While the Planning Commission is not charged with reviewing changes to the Municipal Code, we thought it would be beneficial to list what the proposed changes are here, so that you may see the proposed zoning changes within context:

- Maximum of 4 hens allowed, no roosters
- No butchering within the city limits
- Hens contained at all times in coop, run or fenced backyard
- Annual city license application with fee of \$15
- Wisconsin Department of Agricultural premise registration required
- Existing fowl noise ordinance applies (Sec. 6-5)
- Existing noxious odor ordinance applies (Sec. 58-8)
- Police enforcement of the same violations as with dogs and cats
- At-large animals handled as with dogs and cats

Proposed Zoning Ordinance Changes

The following changes are proposed and are before you today:

- Keeping of a maximum of 4 hens allowed as an accessory land use by right on single-family lots in districts ER-1, SR-3, SR-4, SR-5 and SR-6
- Annual city license required
- Coop/runs must be in rear yard only
- Coop and run must be at least 25' from all residential structures on adjacent lots
- All zoning requirements related to accessory structures are exempt for coops and runs less than 65 square feet in size
- Electrical work requires a permit

Note that these rules do not override any deed restrictions that run with the land on outbuildings and animals.

Conclusion

The net effect of these regulations may seem onerous to some potential chicken keepers. However, by and large most communities have willingly accepted them as being a reasonable compromise required to address both the concerns of residents and the humane treatment of chickens within the city limits.

The experience of other cities has demonstrated that the keeping of a few hens is compatible with an urban environment. Cities of all sizes have allowed keeping of hens without incident. Few have reported any significant increase in noise, odor, or visual complaints, and have reported relatively minor increases in enforcement effort.

We feel that the unique properties of hens make them the “greenest” animal capable of being kept in an urban environment. They are fully compatible with society’s blossoming recognition that we must all consider environmental impacts when evaluating our daily activities, and that becoming more local and sustainable in our food choices is one manner in which to accomplish this. Chickens fit completely with the objective of backyard vegetable gardening and Stoughton’s recent commitment to community gardens.

The benefits of small micro-flocks of hens far outweighs the minor impacts on city services and residential living. We feel that the time has come for Stoughton to allow backyard hens.

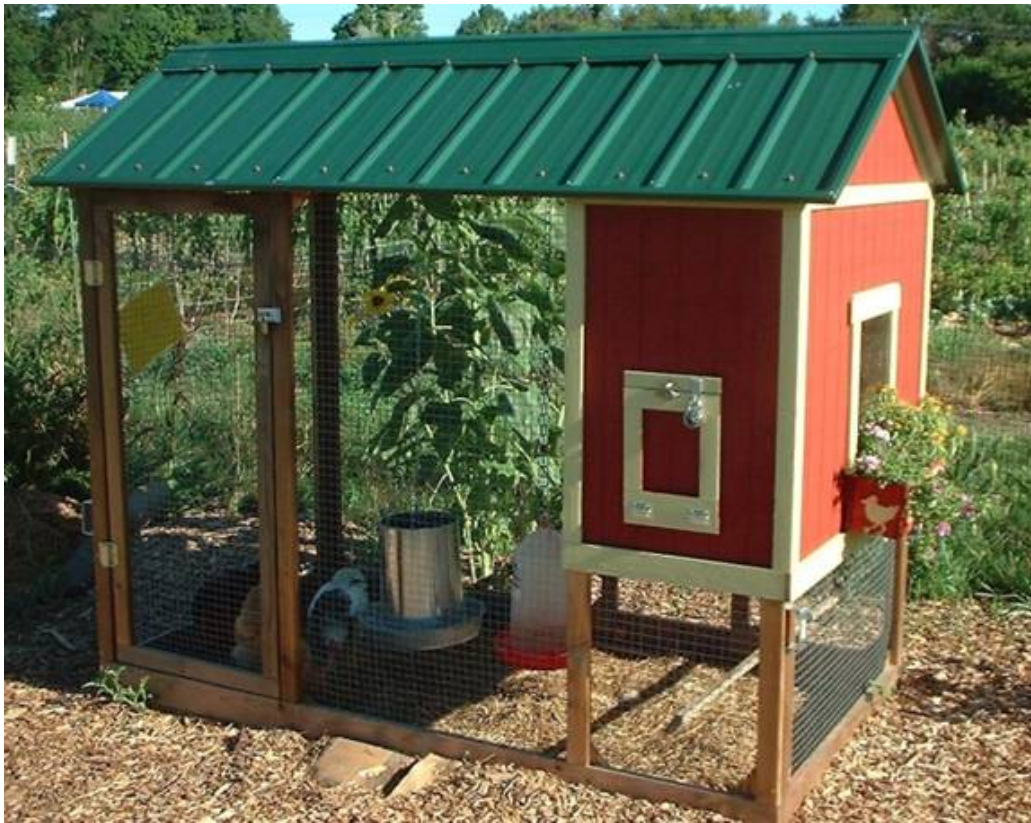
Appendices

Other Cities Allowing Urban Chickens

The following is a partial list of cities that allow chickens to be kept in their city limits: Concord NH, New Haven CT, San Francisco CA, Minneapolis MN, Boston MA, Phoenix AZ, Chicago IL, New York City, Syracuse NY, Anaheim CA, Mobile AL, New Orleans LA, Buffalo NY, Hartford CT, Baltimore MD, Portland OR, Houston TX, Miami FL, San Jose CA, Las Vegas NV, Vallejo CA, Topeka KS, Santa Rosa CA, Santa Fe NM, Little Rock AK, Burlington VT, Richmond VA, San Antonio TX, Albuquerque NM, Bakersfield CA, Des Moines IA, Winston-Salem NC, Greensboro NC, Lafayette CA, Seattle WA, Oakland CA, Denver CO, Dallas TX, Laredo TX, Salt Lake City UT, St. Louis MO, Berkeley CA, Spokane WA, Indianapolis IN, Lexington KY and Louisville KY.

Backyard Coop Examples

Below is an example of a combined coop and run. The footprint is approximately 4' x 8'. The builder of this coop is located in the Madison area.



Below is an example of what is known as a “chicken tractor.” It is a portable coop/run combination unit that is open on the bottom to allow hens to graze on natural vegetation. After a few days it is easily moved to the next location in the yard. Note that it is resting on the patio for photo purposes only.



Here is another example of a chicken tractor.



Here is another example, one with a separate attached run.



The one below is larger than needed for 4 hens.



This last one is meant to be used with a separate, detached run. It had apparently just been delivered.



Other Cities and Chickens

The following information was obtained from Chickens in the City (C.I.T.Y.) of Salem, Oregon regarding cities and their chicken keeping parameters. It represents only a sampling.

City, State	# Hens Allowed	Setback from Property Line	Distance from Adjacent Dwellings	Minimum Lot Size
Fayetteville, AR	4		25'	
Little Rock, AR	4			
Mobile, AL	Unlimited			
Anaheim, CA	3			5,000
Berkeley, CA	Unlimited		30' (from bedrooms)	
Downey, CA	5			
Irvine, CA	2			
Long Beach, CA	20		20'	
Mountain View, CA	4		25'	
Oakland, CA	Unlimited		20'	
Petaluma, CA	20	5'	20'	
Redwood City, CA	3			
Roseville, CA	10		20'	
San Jose, CA	6		20'	
San Francisco, CA	4		20'	
Vallejo, CA	25		15'	
Colorado Springs, CO	10			
Ft. Collins, CO	6	15'		
Windsor Hts, IA	2		25'	
Boise, ID	6			
Westwood, MA	10	15'		
Baltimore, MD	4		25'	
Albuquerque, NM	Unlimited		20'	
Corvallis, OR	Unlimited			
Eugene, OR	2		20'	
Portland, OR	3			
Lake Oswego, OR	Unlimited			
Catawissa, PA	Unlimited	10'		

Pittsburgh, PA	5			
Laredo, TX	6			
Round Rock, TX	5		25'	
San Antonio, TX	5		20'	
Brigham City, UT	6			
Burlington, VT	3			
Bothell, WA	3		20'	
Everett, WA	5			
Olympia, WA	3			
Seattle, WA	3			
Spokane, WA	3			
Tacoma, WA	Unlimited			
Vancouver, WA	Unlimited			
Madison, WI	4		25'	

Common Backyard Chicken Objections

compiled by ***Chickens in Stoughton?!***, May 8, 2010
Last Update: June 1, 2010

Those who are opposed to a chicken ordinance often object because they are not knowledgeable about chickens and are unfamiliar with the concept of urban hen-keeping. For example, they frequently do not understand that roosters are not needed for eggs, or that chickens eat bugs, weeds, and lawn clippings or that hens are quiet and harmless. They are surprised to learn that hens are fun and entertaining and make great pets because they have never been around them. Because they are unfamiliar, their opinions are based on fear, not facts, and they believe many of the myths that are addressed in this document and proven to be false.

Some people object to a chicken ordinance because their experience with chickens stems from rural farms or commercial poultry operations where chickens are raised by the hundreds or thousands, often in crowded and unsanitary conditions. In those situations, chickens are not regarded as pets. Raising chickens for profit, on a large scale, is a completely different situation than keeping a few egg-laying hens as pets. It's like comparing the family dog to a puppy mill operation.

Before addressing objections it is important to have some idea as to the magnitude of the problem. Our current estimate of the number of Stoughton residents that will choose to keep hens in their backyards is fifty. If each kept the maximum proposed of four, that would equal a total of 200 hens in Stoughton. The rationale for this estimate is described at the end of this document.

What follows are some common myths that surround backyard chicken keeping and attempts to correct them.

1. "Chickens are noisy"

Any proposed ordinance would not allow roosters, which are by far the noisiest. Hens are rather quiet, although they tend to be quite proud and vocal after an egg is laid. The noise level during this 5 minute squawking period has been measured at around 63 decibels, or about the level of two people talking.

Other than their post-laying squawking, normal hen sounds are not audible at 25 feet. And at night, chickens are absolutely silent. Overall, they are far quieter than a barking dog, lawn mower, leaf blower, passing truck, children playing and other common neighborhood sounds.

2. "Chickens are smelly"

Chickens themselves are not smelly. Yes, chicken waste can be smelly, but no more than dog and cat waste. The conscientiousness of the pet owner plays a large part in the smell and cleanliness of their animals.

Many people's objection to chickens comes from the smell given off by large commercial operations, where thousands of chickens are kept in close quarters. In these large facilities the buildup of ammonia from the sheer volume of solid waste creates a powerful smell, particularly on warm days. But comparing the keeping of a micro-flock of 4 hens to a large farm-based operation is like comparing the keeping of the family dog to a commercial puppy mill.

In a commercial farm-based operation, profitability is the primary motivating factor. Chickens are viewed as a commodity and are raised solely for meat and/or egg production. Many are kept in a density that is substantially greater than that of a few hens in a backyard. The United Egg Producers' 2010 Animal Husbandry Guidelines recommends that each laying hen be given as little as 68 square inches of space to live their entire lives. Compacting hundreds or thousands of hens at this density leads to an ammonia buildup that is difficult to manage.

Contrast this with typical backyard hen guidelines, where each hen has 2 to 4 square feet of coop space, and are let out into an enclosed pen of 10 square feet per bird. Enjoying 30 times the space given to commercially-raised hens, ammonia build-up is virtually eliminated.

In addition, contrast the volume of waste produced by a chicken to that of the average dog. The average dog produces 12 ounces of solid waste and a 1.5 ounces of urine per day, whereas the average chicken produces 1.5 ounces of total waste per day (chickens do not produce a separate urine flow). Thus, the estimated 2,000 dogs in Stoughton produce over 1,500 pounds of solid waste each day. The 200 hens projected to be kept in Stoughton will produce less than 20 pounds of waste per day.

And by its very nature, chicken waste is less of a public health threat, and is safe to apply to gardens after composting. The solid waste that dogs produce is a bio-hazard and cannot be safely composted for use in vegetable gardens. Stoughton residents add over 150 tons of dog waste to garbage landfills each year, with an additional 60 tons being washed directly into our environment.

3. "Chickens attract other animals"

Typical predators of adult and baby chickens include hawks (common in Stoughton), foxes (uncommon), raccoons (common), skunks (uncommon) and opossum (common). This is the same list of animals that stalk our wild squirrels, ducks, geese, rabbits, song birds and chipmunks. Any predators that are attracted to chickens are already living among us.

Adding 200 fully contained hens to the total population of wild animals will have little if any measurable impact on predator interest.

In addition, unlike the wild squirrels, ducks, geese, rabbits, song birds and chipmunks, domestic backyard chickens roost at night in secure, dig-proof enclosures, preventing nocturnal animal raids. During the day they are always kept in a covered run or fenced enclosure. They are pets that owners responsibly protect.

The larger potential threat is posed by domestic dogs and cats illegally roaming the backyards of homes. Although most domestic cats would have a tough time with a full grown hen (most can defend themselves against cats), roaming dogs could harass chickens by chasing them, potentially even killing them. Of course, loose dogs are also a threat to children, adults, other dogs and vehicular traffic.

But since urban hens are confined at all times, and our existing laws prohibit at-large dogs and cats, we do not anticipate this to be a significant problem.

4. "Chickens attract rodents"

It is the chicken feed that attracts rodents, not the chickens themselves (FYI: adult chickens will kill and will eat small rodents).

There are currently thousands of bags of dog and cat food being stored throughout the city without problem. And each residence has at least one garbage container full of food scraps and waste that a rodent would love to eat. Much like anything else, chicken feed that is securely contained will prevent rodents from being a problem.

Many of the same rodents that would eat chicken feed are also attracted to wild bird feed that is outside and unprotected in backyards.

Adding an additional 50 bags of chicken feed to our city is of little increased concern.

5. "Chickens spread deadly diseases"

A typical concern is about the possibility of spreading avian influenza ("bird flu"). Avian flu is spread through direct contact with the contaminated feces and secretions of sick migratory birds, and is currently only present in Asia, Africa and Eastern Europe (i.e., bird flu is not currently in the US). Since backyard chickens do not come in contact with migratory birds, the transmission path is not present.

Even if a backyard chicken should contract bird flu, the size of the flock and its lack of contact with other birds would limit the impact to the micro-flock. The United States Humane Society and the United Nations contend that large commercial poultry operations are accelerants of the spread of poultry diseases and that small flocks are the solution to limiting the impacts of avian influenza and other diseases.

Note that it is rare that avian influenza be transmitted from bird to human--there is only one known case of bird-to-human transmission in the US.

Unlike cats and dogs which are prime vectors for rabies, parasites, and tick-borne diseases, backyard chickens actually make your yard safer by consuming ticks, mosquitoes and other insects.

6. "The city will be overrun with chickens"

It is unlikely that more than a very small percentage of residents will want to raise chickens. Chickens tend to be a "specialty pet" and are not what the average person thinks of when they go pet shopping. Since passing their chicken ordinance in 2004, we Madison, a city 20 times the size of Stoughton, has averaged less than 100 permits per year.

Our estimate is that a total of 200 hens will be present in the City of Stoughton. The proposed ordinance would not allow chickens to roam freely. They will be required to be kept in fenced backyards and/or covered runs at all times.

7. "Chickens are a nuisance"

Like any animal, they are subject to their own whims and their owners' control. By and large, hens are quieter, cleaner and more easily managed than dogs, and certainly more so than illegal, outdoor cats. Their owners generally are appreciative of the eggs produced, and ensure that their hens have a clean, safe, productive environment in which to live.

8. "I don't want to stare at some huge, dilapidated chicken coop"

The modern backyard chicken coop is a distant relative to the typical farm coop. Since they are located in backyards, most city coops are attractive, efficient structures that are well maintained.

Each hen needs about 3-6 square feet of coop space and 6-10 square feet of covered run. For 4 hens this would total about 64 square feet, or a structure 8' x 8'. Most garden sheds, trampolines and swing sets are larger than the average backyard coop and run.

Many areas of the city have deed restrictions that control what types of structures can be erected. Chicken coops and runs would fall under the control of these restrictions (i.e., the city ordinance does not override deed restrictions).

9. "If we allow some to have chickens, the next person will want Emus, Ducks, Pigs, etc."

It is not by chance that female chickens (hens) are getting all the attention for backyard keeping. Chickens are ideally suited for small, urban lots due to several unique characteristics not possessed by other animals:

- They are small and have low space requirements
- They are quiet
- They are easy to contain and manage
- Their manure is useable in vegetable gardens
- They provide food without being slaughtered
- They are relatively cheap to raise
- They are useful in controlling insects and other pests
- They can't fly well or far, and a painless wing clipping keeps them from flying at all
- They stay close to home if they should happen to get loose

- They go to sleep in the same place every day at sundown
- They don't require specialized or hard-to-learn skills to keep
- They are readily available

Other animals fail in one or more of these areas. An urban environment would not be humane or practical for their keeping.

10. "The Stoughton Police Department does not have the manpower to enforce these new rules"

Given the expected volume of chickens in Stoughton, we think that problems will be few and far between. For example, Madison gets fewer than 10 calls per year, and most of those are easily managed (generally keeping illegal roosters or having too many hens).

Responsible owners will not allow their hens to roam outside of their enclosures, so the problem of loose animals will be insignificant.

Nonetheless, we must be prepared to deal with the occasional complaint about roosters, smell or numbers of hens. There are several aspects of enforcement:

- The annual permit process. Those with habitual violations will have their permit refused, much like alcohol licenses are handled today
- Response to complaints will be handled by the Police Department. Owners will be cited just as with dogs and cats
- Animals that must be picked up or confiscated will first be taken to a local vet clinic or holding pen and then to the Dane County Humane Society, just as dogs and cats are handled today.

11. "If you want farm animals, move out to the country"

The same objection could be raised about community gardens or even individual gardens within backyards throughout the city.

The definition of "pets" changes over time. For example, rabbits were once considered farm animals, raised only for meat. Dogs were kept only for their ability to herd and protect farms. Cats were raised solely to reduce the rodent population. Now all of these are considered pets and are allowed to be kept within the city limits.

Micro-flocks of backyard hens are treated more as pets than livestock, often "spoiled" and fawned over as much as a domestic dog or cat. Since most owners want to ensure nutritious egg production, they are generally kept in good health, given organic feed and kept clean and secure.

The raising of a few hens does not require the space, expense and management of a farm in the country. They are being successfully raised in the backyards of cities throughout the US. In Wisconsin, Madison, Jefferson, Fort Atkinson, New Berlin, Neenah and others allow micro-flocks in backyards.

Other cities across the country allowing backyard chickens include Concord NH, New Haven CT, San Francisco CA, Minneapolis MN, Boston MA, Phoenix AZ, Chicago IL, New York City, Syracuse NY, Anaheim CA, Mobile AL, New Orleans LA, Buffalo NY, Hartford CT, Baltimore MD, Portland OR, Houston TX, Miami FL, San Jose CA, Las Vegas NV, Vallejo CA, Topeka KS, Santa Rosa CA, Santa Fe NM, Little Rock AK, Burlington VT, Richmond VA, San Antonio TX, Albuquerque NM, Bakersfield CA, Des Moines IA, Winston-Salem NC, Greensboro NC, Lafayette CA, Seattle WA, Oakland CA, Denver CO, Dallas TX, Laredo TX, Salt Lake City UT, St. Louis MO, Berkeley CA, Spokane WA, Indianapolis IN, Lexington KY and Louisville KY. The list is growing every year.

12. "Those cities that allow chickens have separate Animal Control departments to handle complaints"

While this is not true in all cases, it is true in the larger cities. However, these Animal Control departments existed long before the modern backyard chicken movement. They were instituted to handle domestic dog and cat complaints and to control wild animals found roaming the city.

Due to our size, the City of Stoughton has not needed a separate department for animal control. The experience of other cities indicates that the additional effort required to manage the 200 hens of Stoughton will be minimal, estimated at an additional call per month.

A separate department is simply not needed to handle the projected complaints.

13. "There will be those that abuse or ignore the rules"

True, but a well-crafted law is designed to be fair and enforceable. Our proposed ordinance has the following provisions:

1. Hens only, no roosters
2. A limits of 4 hens
3. Must have a secure coop and must be fenced or in an enclosure at all times
4. Subject to existing noise, nuisance and animal control laws
5. Structures (coops and runs) must conform to existing ordinances and must be located a minimum of 4' inside the lot line and 25' from neighbors
6. No butchering within the city limits
7. Annual permit required, and can be refused or revoked for repeated violations

This proposed ordinance is modeled after successful ordinances of other cities.

14. "The runoff from the chicken feces will pollute our river"

Issues of manure runoff from egg-producing chickens are associated with huge factory-style egg farms that generate tons of manure each day in a very concentrated area. Low-density backyard chicken keeping is the solution to runoff issues, not the problem. Gardeners using commercial organic fertilizers are very likely to be using chicken-manure based products, and those keeping chickens will have less need for even these.

So keeping chickens will likely not increase the net amount of organic fertilizers used; most chicken-keeping gardeners will simply be producing it themselves rather than purchasing it.

However, runoff from dog waste laying on the ground is a current and significant problem. Studies have shown that on average 40% of owners do not pickup the solid waste from their dogs. In Stoughton, this amounts to an estimated 60 tons annually of dog waste being washed into our environment.

15. "A coop next door will make my property value go down"

We have been unable to uncover any evidence to support this statement. Instead, most Realtors when asked seem to indicate that there are many, many factors that go into home valuation, and that animals that are well behaved and contained properly have little or no negative impact on property values. Indeed, many contend that animals are an inherent part of urban living, and are to be expected in a healthy neighborhood.

Thomas E. Malone, Management Analyst to the City of Janesville, WI, in a February 16, 2010 Memo to the Janesville City Council, wrote "

...staff has been asked to look into the matter of whether raising chickens within city limits would impact property values. There has been no empirical evidence to suggest a positive or negative impact on home values and staff is unable to quantify the potential effect keeping chickens would have on adjacent properties."

16. "How did you arrive at your estimate of 200 hens in Stoughton?"

Several factors went into our estimate, but in the end it is simply an educated guess. Here are the factors that we used:

- Madison, a city of 20 times our population, 15 times if you remove the student population, issues approximately 75 permits annually. However, rumor is that some do not obtain a permit. So we doubled the number to 150 chicken keeping households in Madison. That would represent about 600 hens.
- There are approximately 60 people on ***Chickens in Stoughton?!***'s email list, 60 on our petition, 60 followers on Facebook, and 25 that attended our first meeting. While we have received substantial interest since the Courier-Hub article was published, these numbers have plateaued. (Note that many on these lists represent couples and are double counted)
- Most cities have more people interested in keeping hens than are actually keeping hens.

So, using Madison ratios, we would have 10 households keeping hens, representing a total of 40 hens. We feel that number is too low.

Using our "membership" numbers, taking out non-Stoughton residents and eliminating double counting for couples, we would estimate 40 households keeping hens, for a total of 160 hens. We feel that is about right, but added 25% more to arrive at our estimate of 200 hens.

Consider that many of the newer neighborhoods in Stoughton have deed restrictions on outbuildings and animals. This will lower the number of potential chicken keeping residences.

May 27, 2010

Mayor Donna Olson
381 E. Main St.
Stoughton, WI 53589

Dear Mayor Olson,

This letter is in follow-up to our telephone conversation earlier this week in which you asked me to put my comments to you in writing.

I am a Stoughton homeowner residing at 110 N. Page St. Other than being a concerned citizen, I serve as Executive Director of the Wisconsin Agri-Service Association (WASA), a trade association representing over 350 feed, grain and farm supply businesses throughout the state. In addition, I serve as vice-chair of the Wisconsin Agro-Security Resource Network (WARN). WARN is an industry-driven organization that has a network of agricultural and food safety professionals who can communicate to consumers and industry stakeholders in concert with regulatory officials in the event of a crisis affecting Wisconsin food and agricultural systems. WARN facilitates emergency preparedness between the agricultural sectors and government agencies and also serves as a coordination center and educational forum for private sector crisis preparedness materials and training for agro-security related programs.

My concern is in regards to the citizen petition to change city regulations to allow chicken and layer production within the city limits. My comments do not address the various pros and cons of that issue directly. Instead they will focus on compliance with state administrative rules regarding livestock operations, including urban chicken operations, which I believe should be the minimum requirement for any resident to raise chickens in Stoughton, should the city council pass an ordinance allowing them.

Specifically, I am referencing ATCP Chapter 17 (Livestock Premises Registration) and ATCP Chapter 10, Subchapter VI, 10.40 – 10.42 (Poultry and Farm-Raised Gamebirds), both of which I will discuss below. Both of these regulations are currently in place as administrative rules under the authority of the Department of Agriculture, Trade and Consumer Protection (DATCP).

ATCP 17, also known as the Premises ID rule, provides that any person housing livestock, including poultry, must register with DATCP. There is no fee to register. All information submitted under the premises ID rule is confidential

The purpose of the rule is to have a system that can identify individual animals or groups, the premises where they are located, and the date of entry to that premises. Further, in order to achieve optimal success in controlling or eradicating an animal health threat, this program provides state officials the ability to retrieve that information within 48 hours of confirmation of a disease outbreak and to implement intervention strategies is necessary. This is fundamental to controlling any disease threat, foreign or domestic, to the nation's animal resources.

May 27, 2010

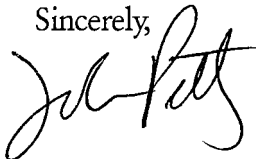
ATCP 10.40 through 10.42 deals with health certification of poultry flocks. In layman's terms, it states that no one may use, sell or distribute poultry or their eggs for breeding or hatching in this state unless the birds or eggs originated from a flock either enrolled in the National Poultry Improvement Program (NPIP) or from a "Wisconsin Tested Flock." In the case of chickens, in addition to the flock being either in the NPIP or "Wisconsin Tested," it must also be classified as "US pullorum-typhoid clean." Effectively, this means if you are wishing to maintain a flock, an individual must either be enrolled in the NPIP or the "Wisconsin Tested" program themselves or buy all their eggs or birds from someone who is enrolled. If an individual chooses to enroll in the NPIP, applications and a schedule of fees are available from DATCP. In general, fees for a "backyard operation" enrolled in the NPIP should be less than \$100 annually. The "Wisconsin Tested" program does not have any direct fees associated with it. Neither of these program descriptions includes any fees paid to veterinarians to test the flock to grant the disease free classification.

In addition, Chapter 10.42 requires that no live poultry or poultry eggs for hatching may be imported into the state without a valid certificate of veterinary inspection stating the birds or eggs originated from an NPIP enrolled flock or a "US pullorum-typhoid clean" flock.

The purpose of this rule is to establish standards for the evaluation of poultry breeding stock and hatchery products with respect to freedom from egg-transmitted and hatchery-disseminated diseases. Through this work, the NPIP provides certifications that poultry and poultry products destined for interstate and international shipment are free of all such diseases.

My goal in writing this letter is to make the Council and the Mayor aware of these existing state regulations covering all poultry operations, including those with single birds in backyards. Whatever the arguments on either side of the issue to allow chicken-raising within the city limits, I believe the starting point of any discussion of the matter must be full compliance with existing state regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "John Petty", written in a cursive style.

John Petty

Enclosures: ATCP Chapter 17
ATCP Chapter 10.40 -10.42

Donna Olson

From: John Petty [jfpetty@gmail.com]
Sent: Friday, May 28, 2010 9:21 AM
To: Donna Olson
Subject: Chicken information letter followup

Mayor Olson,

I dropped off the letter and information you requested this morning, however I noticed I had left off any contact information.

It is as follows:

John Petty
110 N. Page St
877-8941
jfpetty@gmail.com

Thank you,

John Petty

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Chapter ATCP 17

LIVESTOCK PREMISES REGISTRATION

ATCP 17.01 Definitions.
ATCP 17.02 Livestock premises; registration required.
ATCP 17.03 Confidential information.

ATCP 17.04 Contract agent.
ATCP 17.05 Receiving livestock from unregistered locations.

Note: This chapter is adopted under authority of ss. 93.07 (1), 93.07 (10), 95.51 (3m) and (7), 95.55 (6), 95.68 (8), 95.69 (8), 95.71 (8), 95.72 (5), 97.22 (8) and 97.42 (4), Stats. This rule interprets ss. 93.07 (10), 95.51, 95.55, 95.60, 95.68, 95.69, 95.71, 95.72, 97.22 and 97.42, Stats. A person who violates this chapter is subject to applicable penalties and remedies provided in ss. 93.06 (7) and (8), 95.99, 97.72 and 97.73, Stats. According to s. 95.36 (10), Stats., a violator may also be disqualified from receiving livestock indemnities for which that person might otherwise be eligible under ch. 95, Stats., if the department condemns livestock for disease control purposes.

Note: This chapter first applies to the following persons on the following dates:

- (a) To a milk producer who is required to be licensed under s. ATCP 60.02, May 1, 2006.
- (b) To an animal market operator who is required to be licensed under s. ATCP 12.02, July 1, 2006.
- (c) To an animal dealer who is required to be licensed under s. ATCP 12.03, July 1, 2006.
- (d) To an animal trucker who is required to be licensed under s. ATCP 12.04, July 1, 2006.
- (e) To a slaughter establishment operator, July 1, 2006.
- (f) To an equine quarantine station operator who is required to hold a permit under s. ATCP 10.37 (3), July 1, 2006.
- (g) To the operator of a rendering establishment, animal food processing establishment or grease processing establishment that is required to be licensed under ch. 95.72, Stats., March 1, 2006.
- (h) To all other persons who are required to register a location under s. ATCP 17.02 (1), January 1, 2006.

ATCP 17.01 Definitions. In this chapter:

- (1) "Address" means one of the following:
 - (a) A street address.
 - (b) Township, range and section numbers, if the location has no street address.
 - (c) Geographic coordinates, if the location has no street address and no township, range and section numbers.
- (2) "Animal dealer" means a person who is required to be licensed under s. ATCP 12.03.
- (3) "Animal dealer premises" means any real estate, owned or controlled by an animal dealer, at which the dealer keeps, exhibits or receives livestock or wild animals, or from which the animal dealer ships livestock or wild animals.
- (4) "Animal market" means any premises that are open to the public for the purpose of buying or selling livestock or wild animals, and that have facilities to keep, feed and water livestock or wild animals prior to sale.
- (5) "Animal market operator" means a person who is required to be licensed under s. ATCP 12.02 (1).
- (6) "Animal trucker" means a person who is required to be licensed under s. ATCP 12.04 (1).
- (7) "Animal trucker premises" means any real estate, owned or controlled by an animal trucker, at which the animal trucker collects or holds livestock for transportation.
- (8) "Bovine animal" means beef cattle, dairy cattle, or American bison of any age or sex.
- (9) "Captive game birds" means birds of a normally wild type, such as pheasants, quail, wild turkeys, migratory wildfowl, pigeons, and exotic birds, that are raised in captivity. "Captive game birds" does not include poultry or ratites.
- (10) "Cervid" means a member of the family of animals that includes deer, elk, moose, caribou, reindeer and the subfamily musk deer.

(11) "Clinic" means a place where livestock are kept primarily for purposes of health care or rehabilitation.

(12) "Confidential information" means information that the department is required, under s. 95.51, Stats., and this chapter, to keep confidential.

(13) "Contiguous" means adjacent, or separated only by a transportation corridor, stream or like feature.

(14) "Contract agent" means a person who acts on behalf of the department, pursuant to a written contract with the department.

Note: The department may contract with an agent to process registrations under this chapter, and to manage registration information on behalf of the department. The contract agent must comply with this chapter and the agent's contract with the department. The contract must include provisions specified in this chapter, including provisions related to confidentiality of information collected under this chapter. See ss. ATCP 17.03 and 17.04.

(15) "Dairy farm" means a dairy farm as defined under s. 97.22 (1) (a), Stats., operated by a milk producer.

(16) "Deer farm" means real estate on which a person, who is required to register under s. ATCP 10.61, keeps farm-raised deer.

(17) "Department" means the Wisconsin department of agriculture, trade and consumer protection.

Note: The department's contract agent may act on behalf of the department, to the extent authorized under this chapter and the agent contract. See s. ATCP 17.04.

(18) "Description" of a location means an address or other information that identifies that location.

(19) "Captive game birds" means birds of a normally wild type, such as pheasants, quail, wild turkeys, migratory wildfowl, pigeons, and exotic birds raised for hunting, that are raised in captivity. "Captive game birds" does not include poultry or ratites, but does include birds kept pursuant to a license issued under s. 169.15, 169.19, 169.20 or 169.21, Stats.

(20) "Fish farm" means a facility, at which a person hatches fish eggs or keeps live fish, which is required to be registered under s. ATCP 10.60 (2).

(21) "Individual" means a human being.

(22) "Keep livestock" means to own, feed, house, confine or care for livestock, or to exercise legal or physical control over livestock. "Keep livestock" does not include the quarantine or confinement of livestock by the department or by the United States department of agriculture.

Note: At any given time, several persons may be "keeping" the same livestock. For example, livestock owned by *Person A* might be fed and cared for by *Person B* on property owned and maintained by *Person C*.

(23) "Livestock" means bovine animals, equine animals, goats, poultry, sheep, swine other than wild hogs, farm-raised deer, captive game birds, camelids, ratites and fish.

(24) "Livestock exhibition" means a state, county or district fair, or a recurring event at which livestock from different premises are exhibited to the public at a common location.

(25) "Location" means a parcel of real estate in this state, or a group of 2 or more contiguous parcels of real estate in this state, on which livestock are kept.

(26) "Milk producer" has the meaning given in s. 97.22 (1) (f), Stats.

(27) "Person" means an individual, corporation, partnership, cooperative, limited liability company, trust or other legal entity.

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(28) "Poultry" means domesticated fowl commonly used for human food, including domesticated chickens, turkeys, geese, ducks, guinea fowl, squab, ratites and captive game birds.

(29) "Premises" means one or more locations that a person registers under a single premises code.

Note: A person may register a livestock "premises" that includes, in addition to the primary premises location (to which the premises code is assigned), one or more secondary locations at which the person keeps the livestock from time to time. For example, a dairy farm "premises" may include a primary location (that includes the milking barn or parlor) and one or more secondary locations (such as a non-contiguous pasture or heifer facility). If a person keeps livestock at multiple locations but never moves or commingles livestock between those locations, the person is advised to register those locations as separate premises (separate primary locations, each with its own premises code). See s. ATCP 17.02.

(30) "Premises code" means a code issued under s. ATCP 17.02 (7).

(31) "Primary location" means a premises location to which a premises code is assigned.

(32) "Ratite" means a member of the group of flightless birds that includes the ostrich, emu, cassowary, kiwi and rhea.

(33) "Register" means to apply for and obtain from the department an annual premises registration certificate under s. ATCP 17.02.

(34) "Registered location" means a primary or secondary location that is covered by a current annual premises registration certificate under s. ATCP 17.02 (6).

Note: A registration application must identify the primary and secondary locations included in the registered premises. The department issues a premises code for the primary location, but the registration certificate also covers secondary locations identified in the registration application. See s. ATCP 17.02 (6) (c).

(35) "Secondary location" means a location that shares or commingles animals with the primary location and is registered with the primary location under a single premises code.

(36) "Slaughter establishment" means a place at which livestock are received for slaughter.

History: CR 04-103: cr. Register September 2005 No. 597, eff. 10-1-05; CR 06-009: am. (19) and (20) Register September 2006 No. 609, eff. 10-1-06; CR 06-028: am. (1) (c) Register November 2006 No. 611, eff. 12-1-06; CR 07-107: am. (8) and (28) Register November 2008 No. 635, eff. 12-1-08.

ATCP 17.02 Livestock premises; registration required. (1) **GENERAL.** A person may not keep livestock at a location in this state unless that location is registered under this section. There is no fee to register. A registration expires on the third December 31 after it is issued.

Note: Once a person completes an initial registration, subsequent registrations will be relatively simple. The department will send the registrant a renewal application form (or directions on how to renew on-line) prior to the renewal deadline. The renewal transaction may be conducted by mail, online or by e-mail if an e-mail address has been provided. The renewal application form will include pre-printed information obtained from the last previous registration. The registrant may renew the registration by returning the pre-printed form with corrections, if any. There is no fee for an initial or renewal registration.

(2) **WHO MUST REGISTER.** (a) If 2 or more persons are involved in keeping livestock at the same location, one of those persons shall register that location. A person is not required to register a location that is currently registered by another person. A premises registration by one person does not prevent other persons from keeping livestock on the registered premises.

Note: For example, if *Person A* feeds and cares for livestock owned by *Person B*, on premises owned by *Person C*, any one of those persons may register the premises (the others need not). Likewise, if *Person X* pastures livestock on land that *Person Y* owns and also uses to pasture livestock, either person may register that pasture (the other need not).

(b) A person may not register a premises that is currently registered by another person. The department may transfer a current registration from the current registrant to another person if the department finds that the other person is licensed to operate the premises under other applicable law, is more directly engaged in operating the premises, or can provide more definitive knowledge of livestock movements to and from the premises. The department shall notify the current registrant and give the current registrant a chance to comment before transferring a registration to another person.

(c) If a person keeps livestock at any location as part of an operation for which that person is required to hold another license, registration or permit from the department, that person may register that location as part of the person's initial application for that other license, registration or permit.

Note: For example, if a person holds or is required to hold a dairy farm license under s. ATCP 60.02 (2), a deer farm registration under s. ATCP 10.46 (1), a fish farm registration under s. ATCP 10.61 (1), an animal market license under s. ATCP 12.02, an animal dealer license under s. ATCP 12.03, an animal trucker license under s. ATCP 12.04, a meat establishment license under s. ATCP 55.03 (1), an equine quarantine station permit under s. ATCP 10.37 (3), or a rendering establishment or other license under s. 95.72, Stats., that person may register each related livestock premises location as part of the person's initial application for that other license, registration or permit. Subsequent license renewal applications must include the livestock premises registration number assigned under this chapter.

(3) **HOW TO REGISTER.** Except as provided in sub. (2) (c), a person shall register in one of the following ways:

(a) By applying on-line at <http://www.datcp.state.wi.us/>.

(b) By filing a hard-copy application with the department on a form provided by the department.

Note: A person may obtain an application form from the department and may submit the completed form to the department at the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
2811 Agriculture Drive
PO Box 8911
Madison, WI 53708-8911
Phone: (608) 224-4872
E-mail: premises@datcp.state.wi.us

(4) **INFORMATION REQUIRED.** A registration application under sub. (3) shall include all of the following information:

(a) The registrant's legal name, and any trade names under which the registrant keeps livestock in this state.

(b) The registrant's mailing address.

(bm) The registrant's county.

(c) The registrant's telephone number.

(d) The address of the primary premises location, including county.

Note: See s. ATCP 17.01 (1). A street address is preferred.

(e) A description of each secondary location included in the premises. A person may not register more than 3 secondary locations under a single premises code without department approval. The department may consider whether the secondary locations are part of the same premises, for registration purposes, or whether they should be registered as separate premises under separate premises codes.

Note: See s. ATCP 17.01 (18) and (35). Secondary locations are locations that share or commingle animals with the primary location, and are related to the primary location. For example, a dairy farm "premises" may include a primary location (that includes the milking barn or parlor) and one or more secondary locations (such as non-contiguous pastures or heifer facilities).

If a person keeps livestock at multiple locations but never moves or commingles livestock between those locations, the person should register the locations as separate premises (separate primary locations, each with its own premises code).

(f) The name and telephone number of at least one individual who has knowledge of livestock and livestock carcass movements to and from every location included in the premises.

(g) The types of livestock operations conducted on the premises. The registrant shall designate one or more of the following:

1. Farm or production unit.

2. Market or livestock collection point.

3. Slaughter establishment.

4. Rendering or carcass collection point.

5. Clinic.

6. Livestock exhibition.

7. Quarantine facility.

8. Other. The registrant shall specify the type or types of operations.

(h) The types of livestock or livestock carcasses kept on the premises. The registrant shall designate one or more of the following:

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1. Bovine animals. The registrant shall indicate whether the bovine animals are beef cattle, dairy cattle or bison.

2. Swine.

3. Sheep.

4. Goats.

5. Horses or other equine animals.

6. Farm-raised deer.

7. Poultry.

8. Llamas, alpacas or other camelids.

9. Fish.

10. Other. The registrant shall specify the type or types of livestock.

(5) DEPARTMENT ACTION ON REGISTRATION APPLICATION. (a) Except as provided in par. (d), the department shall grant or deny a registration application under sub. (3) within 30 days after the department receives a complete registration application.

Note: The department will normally grant or deny an on-line application at the time of the on-line application. If the department grants an on-line application, the department will immediately issue a printable electronic registration certificate to the applicant.

(b) The department may deny a registration application if the application is incorrect or incomplete, or if the primary location identified in the application is currently registered. The department shall state the reason for the denial.

(c) If the department denies an application because the primary location identified in the application is already registered, the department shall disclose to the applicant the premises code assigned to that registered primary location. The denial does not prevent the applicant from keeping livestock at the registered primary location or from registering other locations.

(d) If a person submits a registration application under sub. (2) (c) as part of that person's application for another license, permit or registration, the department shall grant or deny the registration application within the time period prescribed for department action on the other license, permit or registration application. The denial, suspension or revocation of another license, permit or registration does not affect a premises registration under this section.

(6) REGISTRATION CERTIFICATE. (a) Whenever the department grants a registration application under sub. (3), the department shall immediately issue a registration certificate to the registrant. The registration certificate shall bear an expiration date that complies with sub. (1). The department shall issue the registration certificate in hard-copy or printable electronic form, depending on the method of registration.

Note: A person who registers on-line will normally receive a printable electronic registration certificate at the time of the on-line registration.

(b) A registration certificate under par. (a) shall include a premises code assigned under sub. (7).

(c) A registration certificate covers the primary location and all secondary locations identified in the approved registration application, regardless of whether the certificate includes descriptions of all of those locations.

(d) If a person submits a premises registration application as part of that person's application for another license, permit or registration identified in sub. (2) (c), the department shall issue the premises registration certificate with or as part of that other license, permit or registration.

(7) PREMISES CODE. Whenever the department grants a registration application under sub. (3), the department shall assign a unique code to the primary location identified in that application. The premises code shall be generated by the United States department of agriculture. A premises code may not be transferred to another location.

Note: A premises code, once assigned to a primary location, normally continues with that location even if the registrant changes. If a registrant adds or removes a secondary location without changing the primary location, the premises code will remain the same. But if the primary premises location is subdivided among new registrants,

the premises code assigned to that location will be retired and a new premises code will be assigned to each new primary location created by the subdivision.

History: CR 04-103: cr. Register September 2005 No. 597, eff. 10-1-05; CR 06-009: am. (2) (c) 3. and 8. Register September 2006 No. 609, eff. 10-1-06; CR 07-107: am. (1), (2) (b), (4) (d), (5) (d) and (6) (a), r. and recr. (2) (c), (4) (h) 1. and 8. to 10, cr. (4) (bm), r. (4) (h) 11. and 12. Register November 2008 No. 635, eff. 12-1-08.

ATCP 17.03 Confidential information. (1) GENERAL. Except as provided in subs. (2) to (4), premises registration information received by the department or its contract agent under s. ATCP 17.02 is confidential and may not be disclosed to any other person or agency.

Note: A premises code is not confidential because it is not received from the registrant but is issued by the department. A premises code, by itself, does not reveal any information received from a registrant.

(2) INFORMATION REQUIRED BY OTHER LAWS. Subsection (1) does not apply to information that a person is required to provide to the department under other law. This subsection does not authorize disclosure of information that is protected from disclosure under other law.

Note: For example, information that was required of license holders and was open to public inspection prior to the effective date of the livestock premises registration law, s. 95.51, Stats., remains open to public inspection. But premises registration information required for the first time under s. 95.51, Stats., or this chapter must be kept confidential.

(3) AUTHORIZED DISCLOSURE. The department may disclose, to any of the following, information that a registrant provides under s. ATCP 17.02:

(a) A person to whom the registrant authorizes disclosure.

(b) The animal and plant health inspection service of the United States department of agriculture, if the animal and plant health inspection service agrees not to disclose the information except in situations in which the department is authorized to disclose the information.

(c) The department's contract agent, subject to this section and s. ATCP 17.04.

(d) To another person or agency, or to the public, if the department believes that the release is necessary to prevent or control disease, to enforce laws under its jurisdiction, or to protect public health, safety, or welfare. The department may disclose information under this paragraph subject to any confidentiality requirements that the department considers necessary under the circumstances.

(4) AGGREGATE INFORMATION. (a) The department may create aggregate information, such as maps and statistics, from registration information obtained under s. ATCP 17.02. Except as provided in par. (b), the department may disclose that aggregate information to another person or agency, or to the public.

(b) The department may not disclose aggregate information under par. (a) that does any of the following, unless that information qualifies for disclosure under sub. (2) or (3):

1. Discloses the street address, section number, geographic coordinates of any premises, or the identity of any registrant.

2. Makes it possible to deduce with certainty the street address, section number or geographic coordinates of any premises, or the identity of any registrant.

Note: For example, the department may not disclose a detailed map that permits readers to deduce with certainty the street address, section number or geographic coordinates of any premises, or the identities of registrants whose premises are portrayed by points on the map. However, the department may disclose less detailed maps.

(5) DISCLOSURE BY CONTRACT AGENT. The department may authorize its contract agent to disclose, on behalf of the department, information that the department is authorized to disclose under this section, except that the department may not authorize its contract agent to release aggregate information.

History: CR 04-103: cr. Register September 2005 No. 597, eff. 10-1-05; CR 06-028: am. (4) (b) Register November 2006 No. 611, eff. 12-1-06.

ATCP 17.04 Contract agent. (1) GENERAL. The department may contract with an agent to process registrations, manage registration information, and perform other functions on behalf of

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the department under this chapter. The contract agent shall comply with this chapter and the contract.

(2) **CONTRACT.** A contract under sub. (1) shall specify applicable terms and conditions, including all of the following:

(a) The services that the contract agent will perform for the department, and the price for which the contract agent will perform those services.

(b) The scope of authority that the department delegates to the contract agent for the purpose of performing the services under par. (a), and relevant limits on that authority.

(c) The registration process and forms approved under sub. (3), if the contract agent will process registrations on behalf of the department.

(d) Terms related to information disclosure and confidentiality, including the terms specified in sub. (4).

(e) Terms related to information management, including the terms specified in sub. (5).

(f) Terms related to contract agent actions that may affect or impair the administration of this chapter, including the terms specified in subs. (6) to (8).

(g) Provisions related to contract termination, including the terms specified in sub. (9).

(h) Standard contract terms required by the state of Wisconsin.

(3) **APPROVED REGISTRATION PROCESS.** A contract agent that processes livestock premises registrations on behalf of the department, whether in hard-copy or on-line form, shall use a process and forms approved by the department. The hard-copy or on-line registration process shall be conducted under the name of the department, not the contract agent. The contract agent may not supplement or modify the registration process or forms, or charge any registration fee, without the department's written approval. The contract agent may not make solicitations or promotional communications to registrants in connection with the registration process, other than communications that the department requires for purposes of registration under this chapter.

(4) **DISCLOSURE OF INFORMATION; CONFIDENTIALITY.** (a) A contract agent may not use or disclose any information that it acquires as the department's contract agent under this chapter without the department's written approval.

(b) A contract agent shall specifically identify the individuals who, on behalf of the contract agent, may have access to confidential information. Each of those individuals shall sign a personal confidentiality agreement with the department and shall comply with that agreement. No other persons employed or affiliated with the contract agent may have access to confidential information.

(c) No contract agent or individual affiliated with a contract agent may use or disclose information in violation of this chapter, the agency contract, or an individual confidentiality agreement under par. (b).

(5) **MANAGING INFORMATION.** A contract agent that holds information under this chapter on behalf of the department shall do all of the following:

(a) Comply with applicable state standards related to the storage, handling and disposition of state records. A contract agent may not dispose of information collected or held under this chapter, except as authorized by the department pursuant to a state records disposal authorization under s. 16.61, Stats.

(b) Handle and maintain electronic records according to applicable standards in ch. Adm 12.

(6) **COLLECTING OTHER INFORMATION.** (a) A contract agent may not collect any information under color of its agency agreement with the department, without the department's written authorization to collect that information.

(b) Paragraph (a) does not prohibit a contract agent from doing any of the following on its own behalf, and not as an agent of the department:

1. Contacting registrants that it identifies from sources other than registrations under this chapter.

2. Soliciting and receiving information voluntarily provided by registrants that the contract agent identifies under subd. 1. The contract agent shall disclose, to each registrant from whom it requests information, that the information is not required by state law and is not being collected on behalf of the department.

(c) A contract agent who collects information under par. (b) shall keep that information separate from any confidential information that the contract agent keeps on behalf of the department.

(7) **PROHIBITED PRACTICES.** A contract agent may not do any of the following:

(a) Under color of its agency contract with the department, and without the department's written authorization, ask a registrant for permission to use or release confidential information.

(b) Represent, directly or by implication, that it is acting within its authority as the department's contract agent unless that representation is true.

(8) **ETHICS.** (a) A contract agent shall avoid any conflict of interest that may affect the integrity of the livestock premises registration program under this chapter, or the contract agent's faithful performance of its obligations. The contract agent shall disclose to the department any actual or potential conflict of interest.

(b) A contract agent may not use for private financial or business advantage confidential information that it acquires under this chapter as an agent of the department.

(c) No individual having access to confidential information under this chapter may use that information for personal financial advantage or for the financial advantage of any person or organization with which he or she is affiliated.

(9) **CONTRACT TERMINATION.** (a) The department may terminate a contract under sub. (1) at any time, with or without cause.

(b) If a contract under sub. (1) expires or is terminated by either party, the contract agent shall promptly return to the department all of the information that the contract agent holds on behalf of the department.

History: CR 04-103: cr. Register September 2005 No. 597, eff. 10-1-05.

ATCP 17.05 Receiving livestock from unregistered locations. (1) **PROHIBITION.** Except as provided in sub. (2), no person may receive, for purposes of sale, exhibition or slaughter, livestock from a location that is required to be registered under s. ATCP 17.02 or an equivalent law in another state, unless that location is registered according to this chapter or an equivalent law in the other state.

(2) **APPLICATION CONTINGENT UPON RECIPROCITY.** Subsection (1) does not apply to any person, or to any receipt of livestock for a purpose identified in sub. (1), unless the United States department of agriculture or all of the states surrounding Wisconsin prohibit persons in those surrounding states from receiving livestock for that purpose from unregistered locations in this state that are required to be registered under s. ATCP 17.02. The surrounding states are Minnesota, Iowa, Illinois and Michigan.

History: CR 04-103: cr. Register September 2005 No. 597, eff. 10-1-05.

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it receives a complete application. An application shall include all of the following:

(a) The legal name and mailing address of the applicant, and any trade or business name under which the applicant operates the quarantine station.

(b) A statement indicating whether the applicant is an individual, corporation, partnership, cooperative, limited liability company, trust or other legal entity.

(c) The location of the quarantine station, specified by county, town, section and fire number.

(d) The name and address of the Wisconsin certified veterinarian who will perform all identification, handling, testing and treatment of equine animals at the quarantine station according to sub. (5).

(e) Additional information, if any, required under s. ATCP 17.02 (4) for purposes of livestock premises registration.

(f) Other relevant information required by the department.

(g) A nonrefundable annual permit fee of \$100.

Note: Par. (g) is created eff. 7-1-09.

(4) **CONSTRUCTION REQUIREMENTS; SANITARY OPERATION.** An approved equine quarantine station shall be constructed and maintained to prevent any violation of sub. (2), and shall be kept in a clean and sanitary condition.

(5) **TESTING AND TREATMENT PROCEDURES; WRITTEN AGREEMENT.** Before the department issues any permit under sub. (3) for an approved equine quarantine station, the operator and the Wisconsin certified veterinarian designated under sub. (3) (d) shall enter into a written agreement with the department. The agreement shall establish the procedures and protocols that will be used to identify, handle, test and treat equine animals quarantined at the station. The approved equine quarantine station shall be operated in compliance with the agreed procedures and protocols. The designated veterinarian shall perform the procedures and protocols, except as otherwise authorized by the department.

(6) **RECORDS.** (a) The operator of an approved equine quarantine station shall keep complete and accurate records, including all of the following:

1. For each equine animal received at the quarantine station, the animal's official individual identification, date of arrival, date of removal, and owner's name and address.

2. A complete record of the procedures and protocols used to identify, handle, test and treat each equine animal.

(b) The operator shall keep each record under par. (a) for at least 5 years, and shall make the record available for inspection and copying by the department upon request.

History: CR 06-009: cr. Register September 2006 No. 609, eff. 10-1-06; CR 07-061: am. (1) (a) 2., cr. (3) (g) Register June 2008 No. 630, eff. 7-1-09; CR 07-107: am. (1) (a) 2. Register November 2008 No. 635, eff. 12-1-08.

Subchapter VI — Poultry and Farm-Raised Game Birds

ATCP 10.40 Poultry and farm-raised game birds; breeding, hatching and exhibition. (1) **BIRDS AND EGGS USED FOR BREEDING OR HATCHING.** No person may use, sell or distribute poultry or farm-raised game birds or their eggs for breeding or hatching, or for exhibition at a fair or livestock exhibition, unless one of the following applies:

(a) The birds or eggs originate from a flock that is enrolled in the national poultry improvement plan under s. ATCP 10.41 and meets all of the following requirements:

1. The flock is currently classified "U.S. pullorum-typhoid clean" under the national poultry improvement plan.

2. In the case of turkeys, the flock is currently classified "Mycoplasma gallisepticum clean" under the national poultry improvement plan.

(b) The birds or eggs originate from a flock that qualifies as an affiliate flock under the national poultry improvement plan.

(c) The birds or eggs originate from a flock that is enrolled as a Wisconsin tested flock under sub. (2) or a Wisconsin associate flock under sub. (3).

Note: A person who sells birds or eggs under par. (c) must report the sale to the department, and must document to the buyer that the flock is enrolled under sub. (2) or (3). See sub. (7).

(d) In the case of birds, the birds meet all of the following requirements:

1. They have individually tested negative for pullorum, fowl typhoid and, in the case of turkeys, Mycoplasma gallisepticum, within the preceding 90 days, and there has been no change of ownership of any birds since the completion of testing. Testing for purposes of a fair or livestock exhibition shall be completed before the birds arrive at the fair or livestock exhibition.

2. They originate from a flock in which no bird has tested positive for pullorum, fowl typhoid or Mycoplasma gallisepticum.

Note: A person who sells birds under par. (d) must report the sale to the department, and must document to the buyer that the birds comply with par. (d). See sub. (7).

(e) The birds or eggs are pigeons or pigeon eggs.

(g) The birds are not used for breeding or hatching, and are moved from the flock premises only for youth exhibition at a county fair pursuant to sub. (8).

(2) **WISCONSIN TESTED FLOCK.** (a) The owner of a flock of poultry or farm-raised game birds may annually enroll that flock as a Wisconsin tested flock. An annual enrollment expires on June 30 of each year.

(b) A flock owner shall apply for enrollment under par. (a) on a form provided by the department. There is no fee to enroll. The enrollment application shall include all of the following:

1. The legal name and address of the flock owner.

2. The address and livestock premises code of the flock premises.

3. The approximate size of the flock, and the type of birds included in the flock.

4. Disease testing information under par. (c).

Note: A flock owner may request an enrollment application form by calling (608) 224-4877, by visiting the department website at www.datcp.state.wi.us, or by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(c) An enrollment application under par. (b) shall include proof that the flock has tested negative for all of the following during the calendar year of the enrollment application, in a test under sub. (4) that included all sexually mature birds then in the flock:

1. Pullorum.

2. Fowl typhoid.

3. Mycoplasma gallisepticum, in the case of turkeys.

(d) For purposes of par. (c), a sexually mature bird is a bird over 4 months old except that, in the case of turkeys, it is a bird over 6 months old.

(e) The department shall grant or deny an enrollment application under par. (b) within 30 days after the department receives a complete application. If the department grants enrollment, the department shall issue a certificate that documents the enrollment.

(3) **WISCONSIN ASSOCIATE FLOCK.** (a) The owner of a flock of poultry or farm-raised game birds may annually enroll that flock as a Wisconsin associate flock. A Wisconsin associate flock enrollment expires on June 30 of each year.

(b) A flock owner shall apply for enrollment under par. (a) on a form provided by the department. There is no fee to enroll. An enrollment application shall include all of the following:

1. The legal name and address of the flock owner.

2. The address and livestock premises code of the flock premises.

3. The number and type of birds in the flock.

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4. An invoice or other documentation showing that all of the birds in the flock were acquired directly from a flock enrolled under sub. (2), sub. (3) or s. ATCP 10.41.

5. A statement certifying that the flock owner keeps no other poultry or farm-raised game birds on the flock premises.

Note: A flock owner may request an enrollment application form by calling (608) 224-4877, by visiting the department website at www.datcp.state.wi.us, or by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(c) The department shall grant or deny an enrollment application under par. (b) within 30 days after the department receives a complete application. If the department grants enrollment, the department shall issue a certificate that documents the enrollment.

(4) DISEASE TESTING. Disease testing, for purposes of this section and s. ATCP 10.41, shall comply with all of the following standards:

(a) Blood samples for testing shall be drawn by one of the following:

1. An individual who has completed sample collection training, provided by the department, within 2 years prior to collecting the blood samples. The department shall charge a \$25 training fee.

Note: Subd. 1. is shown as amended eff. 7-1-09. Prior to 7-1-9 it reads:

1. An individual who has completed sample collection training, provided by the department, within 2 years prior to collecting the blood samples.

2. An individual approved by the federal bureau or by the state in which the blood samples are drawn, if the blood samples are drawn in another state pursuant to the national poultry improvement plan.

(b) Except as provided in par. (c) or (d):

1. An individual who draws blood samples for testing shall identify each bird with official individual identification, or with another identification number that uniquely identifies that bird.

2. An individual who draws blood samples for laboratory testing shall label each blood sample with the identification number of the bird from which it was drawn.

3. The flock owner or custodian shall isolate tested birds from untested birds until the department reviews test results and authorizes the flock owner or custodian to release tested birds from isolation.

(c) Paragraph (b) does not apply to a whole flock test of poultry or farm-raised game birds.

(d) Paragraph (b) does not apply when a test group of 30 or more birds is tested for purposes of flock classification under the national poultry improvement plan, provided that the flock owner or custodian isolates the test group from birds outside the test group until the department reviews the test results and authorizes release from isolation. If any bird in the test group tests positive, the department may require continued isolation and testing of all birds in the test group and may specify the disposition of all birds in the test group.

(e) Sample collection, on-site test methods and laboratory test methods shall comply with standards specified in the national poultry improvement plan. Laboratory tests shall be conducted by a laboratory approved by the department, the federal bureau, or another state under the national poultry improvement plan.

Note: See disease reporting requirements under s. ATCP 10.03.

(5) IMPORTS. No person may use, sell or distribute, for breeding or hatching, any poultry, poultry eggs, farm-raised game birds or farm-raised game bird eggs imported in violation of s. ATCP 10.42.

(6) COMMINGLING. (a) No turkey breeding flocks may be commingled with other species of domestic fowl or farm-raised game birds.

(b) No eggs of any other species of fowl may be hatched in a turkey hatchery.

(c) Birds belonging to a flock enrolled under sub. (2) or (3) or s. ATCP 10.41 may not be commingled with any birds that are not part of the flock, except at shows and exhibitions where all birds have tested negative for pullorum, fowl typhoid and, in the case of turkeys, *Mycoplasma gallisepticum*.

(d) Birds do not qualify under sub. (1) (d) if they have been commingled with birds from another flock or source, except at shows and exhibitions where all birds have tested negative for pullorum, fowl typhoid and, in the case of turkeys, *Mycoplasma gallisepticum*.

(7) POULTRY SALES. (a) A person who sells poultry or eggs under sub. (1) (c) shall do all of the following:

1. Report the sale to the department within 10 days, on a form provided by the department.

2. Provide, to the buyer, a copy of the current flock enrollment certificate under sub. (2) or (3).

(b) A person who sells poultry under sub. (1) (d) shall do all of the following:

1. Report the sale to the department within 10 days, on a form provided by the department.

2. Document, to the buyer, that the poultry comply with sub. (1) (d).

Note: A person may request a reporting form under par. (a)1. or (b)1. by calling (608) 224-4877, by visiting the department website at www.datcp.state.wi.us, or by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(8) YOUTH EXHIBITION AT COUNTY FAIR. (a) Subsection (1) does not apply to youth exhibition of poultry or poultry eggs at a county fair if a youth agricultural leader certifies all of the following:

1. The name and address of the youth exhibiting the poultry or eggs.

2. A description of the exhibited poultry or eggs.

3. That the youth acquired the poultry or eggs directly from a flock enrolled under sub. (2), sub. (3) or s. ATCP 10.41, and has not commingled them with poultry or eggs from any other source. This certification shall be based on written source documentation, and on an inspection of the premises where the youth keeps the poultry or eggs.

(b) A certification under par. (a) shall be all of the following:

1. Issued in writing.

2. Filed with the county fair before the youth exhibits the poultry or eggs.

(c) For purposes of this subsection, a "youth agricultural leader" means any of the following:

1. The leader of a bona fide youth agricultural organization to which the youth exhibitor belongs.

Note: For example, a "youth agricultural leader" might include a 4-H leader or FFA sponsor.

2. The county fair organizer, or the organizer's agent.

Note: For example, a "youth agricultural leader" might include a county fair superintendent or poultry exhibit coordinator.

History: CR 06-009: cr. Register September 2006 No. 609, eff. 10-1-06; CR 07-061: am. (4) (a) 1. Register June 2008 No. 630, eff. 7-1-09; CR 07-107: am. (1) (d) 1., (4) (b) 1., (6) (c) and (d) Register November 2008 No. 635, eff. 12-1-08; correction in (6) (c) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635.

ATCP 10.41 National poultry improvement plan.

(1) ANNUAL FLOCK ENROLLMENT. The owner of a flock of poultry or farm-raised game birds may annually enroll that flock in the national poultry improvement plan. An annual enrollment expires on June 30 of each year.

Note: The national poultry improvement plan is on file with the department, the secretary of state and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/vs/index.html. A flock owner may also request a copy by calling (608) 224-4877, by visiting the department website at www.datcp.state.wi.us, or by writing to the following address:

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(2) **ENROLLMENT APPLICATION.** A flock owner shall apply for enrollment under sub. (1) on a form provided by the department. The application shall include the test results required under sub. (3), the fee required under sub. (5), and the livestock premises code of the flock premises. The department shall grant or deny an enrollment application within 30 days after the department receives a complete application.

Note: A flock owner may request an enrollment application form by calling (608) 224-4877, by visiting the department website at www.datcp.state.wi.us, or by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(3) **ANNUAL DISEASE TESTING.** An enrollment application under sub. (1) shall include proof that the flock has been tested for all of the following, within one year prior to the enrollment application date, according to the national poultry improvement plan:

- (a) Pullorum.
- (b) Fowl typhoid.
- (c) *Mycoplasma gallisepticum*, in the case of turkeys.

(4) **DISEASE-FREE CERTIFICATION.** The department may certify a flock enrolled under sub. (1) as "U.S. pullorum-typhoid clean" or "*Mycoplasma gallisepticum* clean," or both, according to standards in the national poultry improvement plan.

(5) **FEE.** An enrollment application under sub. (1) shall include the following annual enrollment fee, as applicable, based on flock type:

(a) \$40 if the flock consists solely of specialty breeds, other than breeds commonly raised for meat or egg production, and the flock owner raises the birds primarily for exhibition.

(b) \$40 if the flock owner does not hatch or collect eggs, and obtains stock solely from flocks enrolled in the national poultry improvement plan.

(c) \$60 if the flock includes farm-raised game birds, the flock owner does not hatch or collect eggs, and the flock owner obtains stock solely from flocks enrolled in the national poultry improvement plan.

(d) The following applicable fee for a breeding flock of poultry or farm-raised game birds:

1. \$80 if the flock includes no more than 1,000 breeders.
2. \$100 if the flock includes more than 1,000 breeders, but no more than 5,000 breeders.
3. \$200 if the flock includes more than 5,000 breeders, but no more than 10,000 breeders.
4. \$400 if the flock includes more than 10,000 breeders.

Note: Sub. (5) is shown as amended eff. 7-1-09. Prior to 7-1-09 it reads:
(5) **FEE.** An enrollment application under sub. (1) shall include the following annual enrollment fee, as applicable, based on flock type:

(a) \$20 if the flock consists solely of specialty breeds, other than breeds commonly raised for meat or egg production, and the flock owner raises the birds primarily for exhibition.

(b) \$20 if the flock owner does not hatch or collect eggs, and obtains stock solely from flocks enrolled in the national poultry improvement plan.

(c) \$30 if the flock includes farm-raised game birds, the flock owner does not hatch or collect eggs, and the flock owner obtains stock solely from flocks enrolled in the national poultry improvement plan.

(d) The following applicable fee for a breeding flock of poultry or farm-raised game birds:

1. \$40 if the flock includes no more than 1,000 breeders.
2. \$50 if the flock includes more than 1,000 breeders, but no more than 5,000 breeders.
3. \$100 if the flock includes more than 5,000 breeders, but no more than 10,000 breeders.
4. \$200 if the flock includes more than 10,000 breeders.

(6) **TESTING.** Testing under this section, including test sample collection, shall comply with applicable requirements in s. ATCP 10.40 (4).

(7) **COMPLIANCE AND INSPECTION.** A flock enrolled in the national poultry improvement plan shall comply with all applicable requirements under the plan. The department shall inspect enrolled flocks and take other actions as appropriate, based on plan requirements.

History: CR 06-009: cr. Register September 2006 No. 609, eff. 10-1-06; CR 07-061: am. (5) (a) to (d) and (6) Register June 2008 No. 630, eff. 7-1-09; CR 07-107: am. (2) and (6) Register November 2008 No. 635, eff. 12-1-08.

ATCP 10.42 Poultry imports. (1) **IMPORT REQUIREMENTS.** Except as provided in sub. (2):

(a) No live poultry, poultry eggs for hatching, farm-raised game birds or farm-raised game bird eggs for hatching may be imported to this state unless accompanied by a valid certificate of veterinary inspection that certifies at least one of the following:

1. They originate from flocks that are enrolled in the national poultry improvement plan, or a plan that the department determines to be equivalent.

2. They originate from flocks that are classified as "U.S. pullorum-typhoid clean" and, in the case of turkeys and turkey eggs, "*Mycoplasma gallisepticum* clean" under the national poultry improvement plan or a plan that the department determines to be equivalent.

3. All individual test-eligible birds have tested negative for pullorum, fowl typhoid and, in the case of turkeys, *Mycoplasma gallisepticum* within 90 days prior to import. Tested birds shall bear official individual identification, and there shall be no change of ownership between the test sampling date and the import date.

(b) Turkey poults may not be imported from hatcheries that hatch eggs other than turkey eggs. Started poultry, other than turkey poults, may not be imported from hatcheries that hatch turkey eggs. Hatcheries shall comply with sanitation practices prescribed by the state of origin.

(2) **EXEMPTION.** Subsection (1) does not apply to poultry or farm-raised game birds that are imported directly to a slaughtering establishment for immediate slaughter.

History: CR 06-009: cr. Register September 2006 No. 609, eff. 10-1-06; CR 07-107: r. and recr. (1) (a) Register November 2008 No. 635, eff. 12-1-08.

Subchapter VII — Farm-Raised Deer

ATCP 10.45 Farm-raised deer; disease testing.

(1) **AVAILABILITY FOR TESTING.** A keeper of farm-raised deer shall make the farm-raised deer available to the department for disease testing upon request.

(2) **RESTRAINED FOR TESTING.** A keeper of farm-raised deer shall restrain the farm-raised deer for disease testing, to ensure the safety of the farm-raised deer and the person performing the test. The keeper shall restrain the farm-raised deer by one of the following methods:

(a) By providing animal handling facilities that comply with sub. (3).

(b) By tranquilizing the farm-raised deer, to the satisfaction of the department, so they can be safely tested.

Note: The department will not tranquilize farm-raised deer for testing, and assumes no liability related to the tranquilization of farm-raised deer.

(c) By moving farm-raised deer, pursuant to a permit issued under s. ATCP 10.08 (3), to an isolation and testing facility approved under s. ATCP 10.56 (4) where the farm-raised deer can be safely tested.

(3) **HANDLING FACILITIES.** (a) Animal handling facilities under sub. (2) (a) shall include all of the following:

1. A holding pen in which farm-raised deer can be safely directed into an alleyway and then to a chute or individual restraining pen for testing.

2. An alleyway through which farm-raised deer can be safely guided into a chute or restraining pen for testing.

3. A chute or restraining pen which can safely hold farm-raised deer for testing.

NOTICE OF PUBLIC HEARING

The City of Stoughton Planning Commission will hold a **Public Hearing** on **Monday, July 12, 2010**, at **6:00 o'clock p.m.**, or as soon thereafter as the matter may be heard, at the **Stoughton Area Senior Center, 248 W. Main Street**, Stoughton, Wisconsin, to consider a proposed ordinance amendment to the City of Stoughton Municipal Code of Ordinances, creating section 10-15. This proposed amendment will ban all outdoor solid fuel-fired heating furnaces within the City of Stoughton.

For questions regarding this notice please contact Assistant Planner Michael Stacey at 608-646-0421

Luann J. Alme
City Clerk

Published June 17, 2010 and June 24, 2010 Hub

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Proposed Ordinance Amendment
O- - 10

AN ORDINANCE TO CREATE SECTION 10-15 OF CHAPTER 10 BUILDINGS AND
BUILDING REGULATIONS, STOUGHTON MUNICIPAL CODE

The Common Council of the City of Stoughton, Dane County, Wisconsin, do ordain
as follows:

1. Section 10-15 of the Stoughton Municipal Code is hereby created and shall read as follows:

Sec. 10-15 ~~Reserved~~. Prohibition on the use of Outdoor solid fuel-fired heating furnace.

Definition: An outdoor solid fuel-fired heating furnace is any equipment, device or apparatus or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source.

1. Regulations:

- (a) It is unlawful for any person to install, use or maintain an outdoor solid fuel-fired heating furnace in the City of Stoughton, Wisconsin.
- (b) If an existing outdoor solid fuel-fired heating furnace was installed prior to the effective date of this ordinance, the furnace may be permitted as a non-conforming installation.
- (c) At such time as the useful life of the non-conforming or pre-existing outdoor solid fuel-fired furnace has elapsed or would need to be repaired to function properly, the unit cannot be repaired or replaced and must be removed from the property within 30 days after the useful life has been determined to have elapsed by the Building Inspector.
- (d) If an existing outdoor solid fuel-fired furnace is determined to be a nuisance by the Building Inspector, the unit must be abandoned, not used, and removed from the property within 30 days of determination. An outdoor furnace may be considered a nuisance for the purpose of protecting public health, safety, comfort and general welfare of the people of the City of Stoughton.

2. This ordinance shall be in force and effect from and after its adoption and publication.

The above and foregoing ordinance was duly adopted by the Common Council of the City of Stoughton at a regular meeting held on the day of , 2010.

VOTE:

APPROVED:

Ayes:

Donna L. Olson, Mayor

Noes:

ATTEST:

Adopted:

Published:

Luann J. Alme, City Clerk

s:\common\mps\ordinancechanges\ch10\ch10 banning outdoor furnaces.doc

Rodney J. Scheel

From: Thomas K. Larson [tlarson@chippewafalls-wi.gov]
Sent: Thursday, December 31, 2009 9:53 AM
To: Scott Wegner; wsfca_members@lists.wsfca.com
Subject: RE: [Wsfca_members] Outdoor Wood Boilers / furnace regulations.

In Chippewa Falls we have been trying to get a permanent ban on the outdoor wood burning boilers/furnances (OWF's) due to the heavy smoke they emit and the air quality issues since 2005. However our City Council feels there is a future generation unit that will not emit the heavy smoke. With that being said, our city council has addressed this issue yearly and always imposes a one year moratorium banning these types of units.

We just met two weeks ago and the council voted to extend the moratorium banning OWF's in the city limits for three more additional years through December 31, 2012.

Thomas K. Larson, Fire Chief
Chippewa Falls Fire & Emergency Services
211 Bay Street
Chippewa Falls, WI 54729
Office (715) 723-5710
Cell (715) 828-0731
FAX (715) 726-2751

From: wsfca_members-bounces@lists.wsfca.com on behalf of swegner@ci.stoughton.wi.us
Sent: Thu 12/31/2009 8:48 AM
To: wsfca_members@lists.wsfca.com
Subject: [Wsfca_members] Outdoor Wood Boilers / furnace regulations.

Hello All,

I am interested in Cities that have regulations and ordinances regarding the permitting, placement and operation of outdoor wood burning boilers / furnaces. I'm having difficulty locating ordinances from Cities in my area. I have plenty of Town Ordinances, DNR regulations and Manufacturers recommendations. Please only Cities reply.

Thank you in advance.

Sincerely,

Scott Wegner

Deputy Chief / Fire Marshal

Stoughton Fire Department

401 E. Main Street

Stoughton WI 53589

Swegner@ci.stoughton.wi.us

Cell 608-209-7753

Station 608-873-7218

CHAPTER 8.26**OUTDOOR WOOD BURNING FURNACES PROHIBITED****Sections:**

8.26.010	Intent and Purpose
8.26.020	Definition
8.26.030	State Law Empowerment and Incorporation – Conflicts
8.26.040	Prohibition of Outdoor Wood Burning Furnaces
8.26.050	Nonconforming Use.
8.26.060	Enforcement and Inspections
8.26.070	Severability
8.26.080	Effective Date
8.26.090	Violation – Penalty – Injunctive Relief

8.26.010 Intent and Purpose. The Common Council of the City of Janesville hereby find that:

- A. It is recognized and found that wood smoke is hazardous to an individual's health and may affect the health of the general public when they are involuntarily exposed to the presence of wood smoke.
- B. Reliable scientific studies, including studies conducted by the Environmental Protection Agency (EPA), have shown that breathing wood smoke is a significant health hazard particularly to children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory functions, including asthmatics and those with obstructive airway disease.
- C. This Chapter is adopted for the purpose of protecting the public health, safety, comfort, and the general welfare of the people of the City of Janesville; educating citizens affected by this ordinance; and assisting property owners and managers in maintaining compliance.

8.26.020 Definition. Outdoor wood burning furnace: A furnace, or similar device, designed and intended, and/or used, through the burning of wood, for the purpose of heating the principal structure or another accessory structure on the premises. These types of furnaces are characterized by a short stack height. They are typically located out-of-doors and are contained in free-standing structures, or enclosed within another accessory structure, such as a garage or corral. This definition includes outside wood burning water stoves.

8.26.030 State Law Empowerment and Incorporated – Conflicts.

- A. This chapter is authorized by Wisconsin Law including, but not limited to, Section 101.123(2) (c) of the Wisconsin State Statutes, as from time to time are amended or renumbered.
- B. Section 101.123 of the Wisconsin State Statutes, as from time to time amended or renumbered, is incorporated herein by reference and made a part of this Chapter as if fully set forth verbatim.
- C. Any action prohibited or required by state law so incorporated herein is prohibited or required, as applicable, by this Chapter.
- D. This Chapter is consistent with the intent and goals of the provisions set forth in Section 101.123 of the Wisconsin State Statutes, as from time to time amended or renumbered. This Chapter also acts as a local supplement to the provisions of the state statutes.
- E. In the event of any conflict between any word, term, definition, provision, section, or requirement specifically set forth in this Chapter and those set forth elsewhere in this Chapter, other ordinances, State Statute or State Administrative Code, and/or the degree permitted by law, the more restrictive shall govern.
- F. In the event of any conflict between any word, term, definition, provision, section or requirement specifically set forth in this Chapter and those set forth in any state statute or state administrative code incorporated into and made a part of this Chapter by reference, the more restrictive provision shall take precedence and govern at all times, to the extent provided by law. In no event, however, shall a prohibition against the use of wood burning furnaces, or a requirement mandated by state statute or state law be modified, waived, or amended by the application of this Chapter.

8.26.040 Prohibition of Outdoor Wood Burning Furnaces in the City of Janesville. It shall be unlawful for any person to operate or use an outdoor wood burning furnace in the City of Janesville.

8.26.050 Nonconforming Use.

- A. Continuation of Nonconforming Uses. The lawful use of any existing “outdoor wood burning furnace” existing at the time of the effective date of this Chapter may be continued, although such use does not conform to the provisions of this law as hereinafter provided.

- B. Extension or enlargement. No non-conforming or pre-existing “outdoor wood burning furnace” shall hereafter be extended, enlarged, or expanded.
- C. Abandonment and discontinuance. Any currently existing and used “outdoor wood burning furnace” which is abandoned or not used for a period of twelve (12) consecutive months shall not be permitted to be re-established as a non-conforming use, cannot be used, and must be immediately removed by the property owner from the subject premises. If the property owner fails to remove the “outdoor wood burning furnace” by the end of said twelve months, the City of Janesville Code Enforcement Officer shall give written notice by certified mail, personal service, or posting to the property owner upon which the “outdoor wood burning furnace” is located. Such notice shall provide that such person shall remove the same within fifteen (15) days of the notice. Should the “outdoor wood burning furnace” not be removed in the time specified, the Code Enforcement Officer shall arrange for the removal of the “outdoor wood burning furnace.” The cost of said removal shall be charged to the owner of said premises. Said cost if not paid within thirty (30) days shall be assessed and collected in the same manner, by the same proceedings, at the same time, under the same penalties, and having the same lien upon the property so assessed as the General City of Janesville Tax and as a part thereof.
- D. Termination. At such time as the useful life of a non-conforming or pre-existing “outdoor wood burning furnace” has elapsed or would need to be repaired to function properly, the unit cannot be replaced and must be abandoned, not used, and removed from the property immediately.

8.26.060 Enforcement and Inspection. The City of Janesville Department of Housing, Building and Neighborhood Services, and affiliated officials shall have the power, whenever they deem it necessary, to enter upon the premises/property to inspect and ascertain compliance with the requirements of this ordinance.

8.26.070 Severability. The provisions of this Chapter are severable. If any provision or section is held to be invalid or unconstitutional or if the application of any provision or section to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions, sections or applications of this Chapter which can be given effect without the invalid or unconstitutional provision, section, or applications. It is hereby declared to be the intent of the Common Council that this Chapter would have been adopted had any invalid or unconstitutional provision or application not been included herein.

8.26.080 Effective Date. This Chapter shall be effective upon adoption by the common council.

8.26.090 Violation – Penalty – Injunctive Relief.

- A. Any owner, proprietor, manager, or other person in charge of or who uses a property in violation of any provision of this Chapter upon conviction shall be required to forfeit and pay not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) plus the costs of prosecution. Each day of violation shall constitute a separate offense for which a separate penalty may be imposed.

- B. Injunctive Relief. Consistent with Section 101.123(9) of the Wisconsin State Statutes, as from time to time amended or renumbered, notwithstanding Section 165.60 of the Wisconsin State Statutes, the City, state, local officials, including, but not limited to, sworn peace officers, building/code inspectors, and any affected party may institute an action in any court with jurisdiction to enjoin repeated violations of this section. The City may also seek, and the court may grant, other related injunctive relief to abate or prevent repeated violations and to seek compliance.

RICE LAKE

**CITY ORDINANCE #08-10
AN ORDINANCE REGULATING THE USE AND INSTALLATION OF
SOLID FUEL-FIRED OUTDOOR HEATING DEVICES**

SEC I.

The Common Council of the City of Rice Lake hereby ordains as follows:

Chapter 182, Pollution, Section 182-3 is hereby created to read as follows:

A. Solid Fuel-fired Outdoor Heating Devices.

- (1) **Intent and Purpose.** The Common Council of the City of Rice Lake has the authority to exercise its police powers for the general health, welfare and safety of the residents of the City. It is recognized and found that the type of fuel used by and the scale and duration of the burning by solid fuel-fired outdoor heating devices and the smoke and particulate emissions emanating therefrom create noxious and hazardous smoke, soot, fumes, odors and air pollution that can be detrimental to citizens' health, and can deprive neighboring property owners/users of the enjoyment of their property or premises when such devices are located in an urban setting. Such devices are hereby declared to be a public nuisance.
- (2) **Definition.** Solid fuel-fired outdoor heating device means any equipment, device or apparatus, or any part thereof, which is installed or constructed for the purpose of combustion of fuel to produce heat, hot water and/or energy that is used as a component of a heating system providing heat for the interior of a building or for a pool, where the equipment, device or apparatus is located outside of the building or pool for which the heat, hot water and/or energy is to be generated. Said device shall be deemed to be outdoors, even if it is located in a building.
- (3) **Prohibition of Solid Fuel-fired Outdoor Heating Devices.** It shall be unlawful for any person to install, construct, operate or use a solid fuel-fired outdoor heating device within any Residential zoning districts in the City of Rice Lake, except as set forth at subsection (4).
- (4) **Nonconforming Use.**
 - (a) The lawful use or operation of any solid fuel-fired outdoor heating device, existing as of the effective date of this section, may be continued, subject to the requirements of this subsection.
 - (b) The property owner of any solid fuel-fired outdoor heating device existing as of the effective date of this section shall, within six (6) months of the effective date of this section, register said device with the City of Rice Lake building inspector and receive a permit evidencing its status as a non-conforming use under this section. At the time of registration, the applicant shall pay to the City Clerk-Treasurer a fee for as set forth in the fee schedule adopted as part of the annual budget document.
 - (c) No non-conforming solid fuel-fired outdoor heating device shall hereafter be extended, enlarged, or expanded.
 - (d) Any solid fuel-fired outdoor heating device existing as of the effective date of this section, which use has been discontinued for a period of twelve (12) consecutive months, shall not be permitted to be re-established as a non-conforming use, cannot be used or operated, and must be immediately removed by the property owner from the subject premises. If the property owner fails to remove the solid fuel-fired outdoor heating device at the end of said twelve (12) months, the City shall give written notice by certified mail or personal service. Such notice shall provide that such person shall remove the solid fuel-fired outdoor heating device within fifteen (15) days of the notice.
 - (e) Solid fuel-fired outdoor heating devices permitted to be used or operated pursuant to subsection (4)(a) shall be required to use clean wood or wood specifically permitted by

the manufacturer as fuel. Clean wood is defined as natural wood which has not been painted, varnished or coated with a similar material, has not been pressure-treated with preservatives and does not contain resins or glues as in plywood or other composite wood products. The use of the following materials as fuel is strictly prohibited:

1. Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
 2. Kerosene, gasoline or petroleum products.
 3. Asphalt and products containing asphalt.
 4. Wood or wood products, other than clean wood.
 5. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 6. Rubber including tires and synthetic rubber-like products.
 7. Newspaper, corrugated cardboard, container board and office paper.
- (5) The fire chief, police chief, building inspector or their subordinates are authorized to enforce the provisions of this section.
- (6) Violations shall be subject to penalties in §1-20. This section shall not preclude the City from maintaining any appropriate action to prevent or remove a violation of this section.
- (7) Severability. The provisions of this section are severable. If any provision or subsection is held to be invalid or unconstitutional or if the application of any provision or subsection to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions, subsections or applications of this section which can be given effect without the invalid or unconstitutional provision, subsection, or applications. It is hereby declared to be the intent of the Common Council that this section would have been adopted had any invalid or unconstitutional provision or application not been included herein.

SEC. II

This ordinance shall take effect after its passage and publication as provided by law

SEC. III

Passed, approved and adopted by the Common Council of the City of Rice Lake on the 27th day of May, 2008.

CITY OF RICE LAKE

Daniel J. Fitzgerald, Mayor

ATTEST:

Kathleen V. Morse, MMC/CMTW/WCPC
City Clerk/Treasurer

1st reading – May 13, 2008
2nd reading – May 27, 2008
Publish – June 4, 2008

Suppl #26 05-2008

10.12 PROHIBITION ON USE OF OUTDOOR WOOD-FIRED BOILER (2219 01/24/06, 2222 03/28/06, 2230 07/11/2006)

- (1) For purposes of this ordinance, the following definitions shall apply:
 - (a) An “outdoor wood-fired furnace” means a wood-fired furnace, stove, or boiler that is not located within a building intended for habitation by humans or domestic animals, and is regularly used to heat water, or some other substance, that is then conveyed to directly or indirectly heat a building or to heat water. This definition shall not include a furnace or stove providing direct radiant heat, used occasionally for area heating within an accessory building.
 - (a) “Nuisance” means to substantially annoy, injure or endanger the comfort, health, repose or safety of anyone residing or working within 200 feet of the property with the outdoor wood-fired furnace.
 1. No person shall install, use or maintain an outdoor wood-fired furnace in the City of Baraboo.
 2. If an existing outdoor wood-fired furnace was installed and operational prior to the effective date of this ordinance the furnace may be permitted as a non-conforming installation. In that case, the owner of the outdoor wood-fired furnace shall obtain an annual permit in accordance with subsection (4) of this ordinance. A burning permit for a non-conforming installation shall require that the existing outdoor wood-fired furnace may not cause a nuisance. If the City of Baraboo determines that a non-conforming installation is causing a nuisance pursuant to the procedures as set forth in subsection (5) of this ordinance, the permit shall be revoked.
 3. Permitting of Existing Furnace. Any person with an outdoor wood-fired furnace installed and operating prior to January 10, 2006, may apply for a permit to retain the use and operating of the furnace. The permit shall be issued by the City Clerk based upon an application form provided by that office. Permits issued pursuant to this section shall not be transferable to the new owner of an existing furnace. Outdoor wood-fired furnaces shall be subject to the prohibition on the burning of certain materials as set forth in §5.19(5), Code of Ordinances.
 4. Procedure to Revoke Permit. In the event that a complaint is received by the City as to the operation of any outdoor wood-fired furnace with a permit, the complaint shall be referred to the Fire Chief for investigation. The Fire Chief shall then determine whether the operation of the furnace is a nuisance, as defined by this ordinance. In the event that the Fire Chief determines that the operation of the furnace is a nuisance, notice of the revocation of the permit shall be provided to the holder of the permit by certified mail. The holder of the permit shall have the right to appeal the determination of the Fire Chief as to nuisance by filing a petition for review with the Administrative Review Appeals Board of the City as established in Chapter 6, Code of Ordinances, within 15 days of the date of delivery of the notice of revocation.

- (6) Any person who shall violate any of the provisions of this section or who shall permit or allow a violation of this section, shall be subject to a penalty as provided in §25.04 of this Code.

Town of Beloit

ORDINANCE NO. 05-13

AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES OF THE TOWN OF BELOIT BY ADDING A SECTION REGULATING THE PLACEMENT, INSTALLATION, OPERATION AND MAINTENANCE OF OUTDOOR WOOD FIRED FURNACES.

The Board of Supervisors of the Town of Beloit, Rock County, Wisconsin, do ordain as follows:

SECTION I. CHAPTER AMENDED. Chapter 15 of the Code of Ordinances of the Town of Beloit is hereby AMENDED by adding Section 15-1-17 to read as follows:

SEC 15-1-17 OUTDOOR WOOD-FIRED FURNACES

- (a). On and after August 1, 2005 no outdoor wood-fired furnace shall be installed, erected or replaced in the Town of Beloit without the owner first obtaining a permit from the Town Building Official for such work and paying a fee for the review and inspection of the furnace installation. The fee shall be established, from time to time, by resolution of the Town Board. The permit shall be visibly displayed on the furnace.
- (b). For the purposes of this ordinance an outdoor wood-fired furnace is any furnace, or boiler designed to burn wood, where the unit is not located within a building not intended for habitation by humans or domestic animals.
- (c). Only outdoor wood fired furnaces that are UL listed and constructed to meet the latest U.S. Environmental Protection Agency standards shall be permitted. The furnaces shall be installed in accordance with the manufacturer's instructions. All electrical and plumbing shall be performed by qualified personnel and conform to the uniform building, electrical and plumbing codes.
- (d). The boiler shall be placed on a non-combustible, poured concrete slab a minimum of four (4) inches thick with at least four (4) inches of compacted, crushed stone as a base.
- (e). The unit must be grounded by the electrical wire connections and an independent ground rod with a proper wire to the boiler for additional safety. Electrical wire must be rated and approved for direct burial if it is to be run underground or in wet conditions.
- (f). Chimneys shall be a minimum of fifteen feet (15') high as measured from ground level, or exceed the eve height of the tallest building within one hundred feet (100'), which ever is taller. Chimneys must be fitted with spark arresters.
- (g). Outdoor Wood Fired Furnaces shall be located no closer than one hundred feet (100') from any property line and fifty feet (50') from any inhabited dwelling on the same property.
- (h). The other provisions of this ordinance notwithstanding, all outdoor wood-fired furnaces in operation on or after April 1, 2006 must conform to the minimum chimney standards established herein.

(i). Only clean, dry wood may be used to fire any permitted or unpermitted outdoor wood-fired furnace. Lighter fluids, gasoline and chemicals may not be used to start or fuel the fire. The manufacturers written instructions shall be followed for loading and refueling the fire. The burning of processed wood products, cardboard, trash and plastics are expressly prohibited.

(j). All outdoor wood-fired furnaces, permitted or unpermitted, shall be operated in accordance with the manufactures directions. Any outdoor wood fired furnace in a state of disrepair, or that is damaged to such an extent it does not operate in full conformance with the manufacturers specifications, is a public nuisance and shall be taken out of service and removed from the property.

SECTION II. EFFECTIVE DATE. This Ordinance shall take effect upon passage and publication as provided by law.

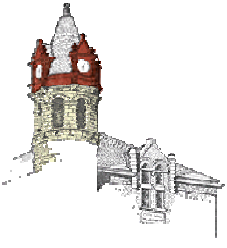
ADOPTED this 20th day of June, 2005.

TOWN OF BELOIT, WISCONSIN

Don Wagoner
Town Chairman

Attest: Karyn DeVault
Town Clerk

Published and/or Posted June 20th, 2005



CITY OF STOUGHTON
DEPARTMENT OF PLANNING & DEVELOPMENT
381 East Main Street, Stoughton, WI. 53589
www.cityofstoughton.com/planning

RODNEY J. SCHEEL
DIRECTOR
(608) 873-6619
fax: (608) 873-5519

June 22, 2010

Electrical Solutions
Bernie Esch
2928 County Highway MN
Stoughton, WI. 53589

Dear Mr. Esch:

I have completed a review of the proposed parking lot photometric plan for Doctor's Park at 1520 Vernon Street, Stoughton. Plan submitted on June 22, 2010. This request will be on the Planning Commission agenda for July 12, 2010 of which you will receive notice. The following items are identified for your review.

1. The property at 1520 Vernon Street is zoned PB – Planned Business. Parking lot lighting is subject to approval by the Planning Commission.
2. Section 78-707 (4)(a) states, "Orientation of Fixture. In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a clear shield) is visible from a property located within a residential zoning district. The use of shielded luminaries and careful fixture placement is encouraged so as to facilitate compliance with this requirement." This requirement will be verified by City staff upon completion.
3. Section 78-707 (4)(b)1 & 2 states, "Intensity of Illumination. 1. In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.50 foot-candles above the ambient lighting conditions on a cloudless night. 2. The maximum average on-site lighting in non-residential zoning districts shall be 2.4 foot-candles." The plan meets these requirements. These requirements will be verified by City staff upon completion.
4. Section 78-707 (4)(c) states, "Location. Light fixtures shall not be located within required bufferyards." There are no bufferyard requirements.
5. Section 78-707 (4)(d) states in part, "Fixture Heights. The maximum fixture height in the Planned Business district shall be 25 feet. The proposed fixture height is 22 feet.
6. Section 78-707 (4)(f) states, " Minimum Lighting Standards. All areas designated on required site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.2 foot-candles. The proposed site plan meets this requirement.
7. A commercial electrical permit is required before construction.

June 29, 2010

If you have any questions, please contact me at 608-646-0421

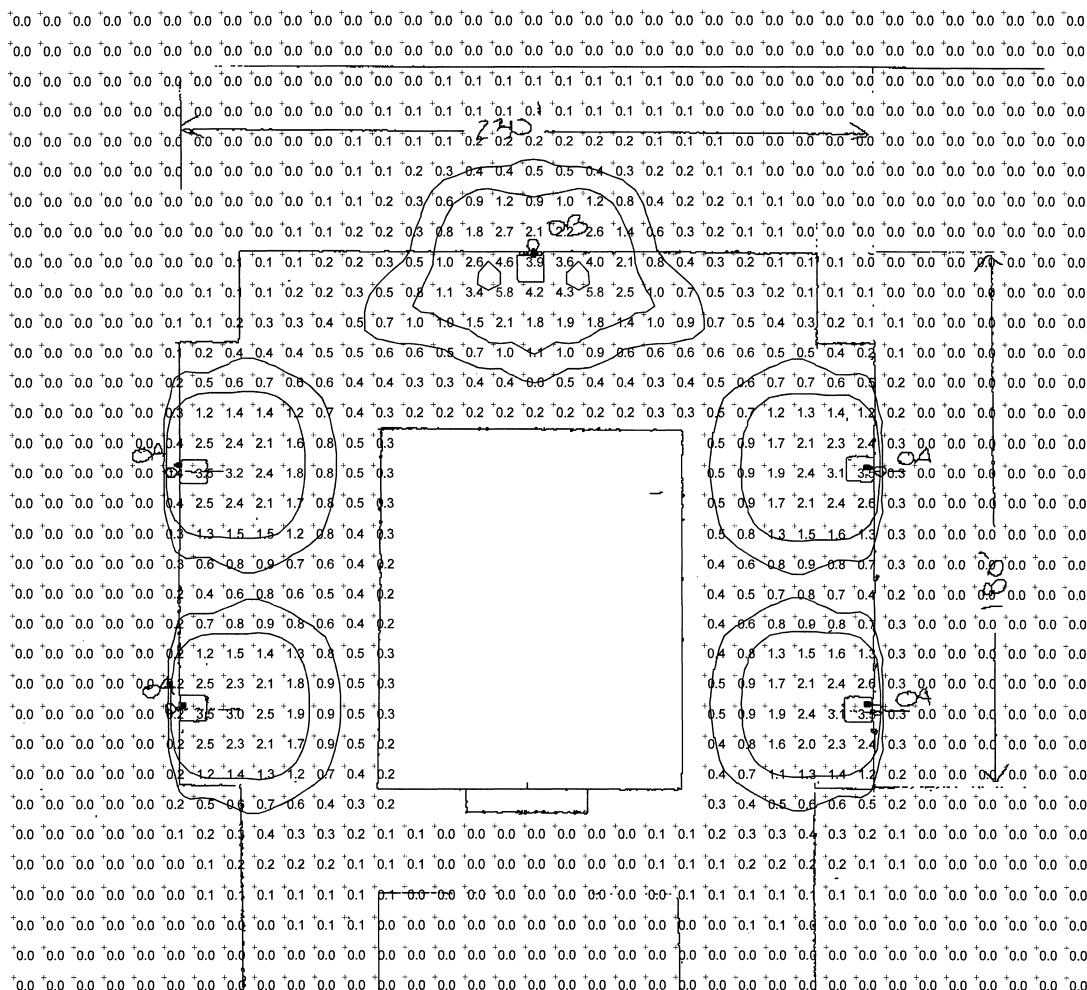
Sincerely,
City of Stoughton

Michael P. Stacey

Michael P. Stacey
Zoning Administrator/Assistant Planner

cc. Planning Commission Members

LUMINAIRE SCHEDULE									
Symbol	Label	Qty	Catalog Number	Description	Lamp	File	Lumens	LLF	Watts
■	OA	4	KAD 250M SR4SC	Area Luminaire, 250W MH, High Performance SR4SC Sharp Cutoff Reflector, Full Cutoff MEETS THE 'NIGHTTIME FRIENDLY' CRITERIA	ONE (1) 250 WATT CLEAR BT28 PULSE START METAL HALIDE LAMP IN HORIZONTAL POSITION	KAD_250M_SR4SC.ies	22500	0.81	288
■	OB	1	KAD 250M R3	Area Luminaire, 250W MH, R3 Reflector, Full Cutoff MEETS THE 'NIGHTTIME FRIENDLY' CRITERIA	ONE (1) 250 WATT CLEAR BT28 PULSE START METAL HALIDE LAMP IN HORIZONTAL POSITION	KAD_250M_R3.ies	22500	0.81	288

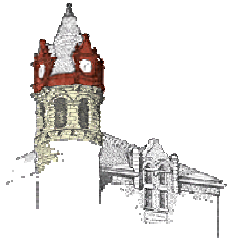


NOTES

1. Readings shown are in units of maintained footcandles.
2. Total light loss factor = See luminaire schedule
3. Test plane = @ grade
4. Fixture mounting height = 22' aff
5. Fixture spacing = See plan view.
6. This photometrics layout was calculated using specific criteria, any deviation from stated parameters will effect actual performance.
7. These lighting calculations are not a substitute for independent engineering analysis of lighting system suitability and safety.

Plan View
Scale 1" = 40'

STATISTICS						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #1	+	0.3 fc	5.8 fc	0.0 fc	N / A	N / A



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DIRECTOR
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fax: (608) 873-5519

June 28, 2010

Mark Rosenbaum
972 Highway 138 South
Stoughton, WI. 53589

Dear Mr. Rosenbaum:

I have completed a review of the proposed building addition for North American Fur Auction, 205 Industrial Circle, Stoughton - site plan submitted on June 28, 2010. This request will be on the July 12, 2010 Planning Commission Agenda of which you will receive notice. The following items are identified for your review.

1. The proposed property at 205 Industrial Circle is zoned HI (Heavy Industrial). Wholesaling and Indoor Storage are both permitted within the HI district.
2. The proposed addition meets the height and setback requirements of the HI district.
3. We have been informed that there will not be an increase in employees so the proposed addition will not affect the parking requirements.
4. There is no additional lighting planned.
5. An erosion control plan, application and fees are necessary for excavations in excess of 4,000 square feet. The plan will be reviewed by the City's consultant Dane County Land Conservation.
6. State approved plans and appropriate city building permits are required before construction.

If you have any questions, contact me at 608-646-0421

Sincerely,
City of Stoughton

Michael P. Stacey

Michael P. Stacey
Zoning Administrator/Assistant Planner

cc. Planning Commissioners

Q-VEX ADDITION REV 3C

North American Fur Auctions
205 Industrial Park Drive
Stoughton, WI 53589

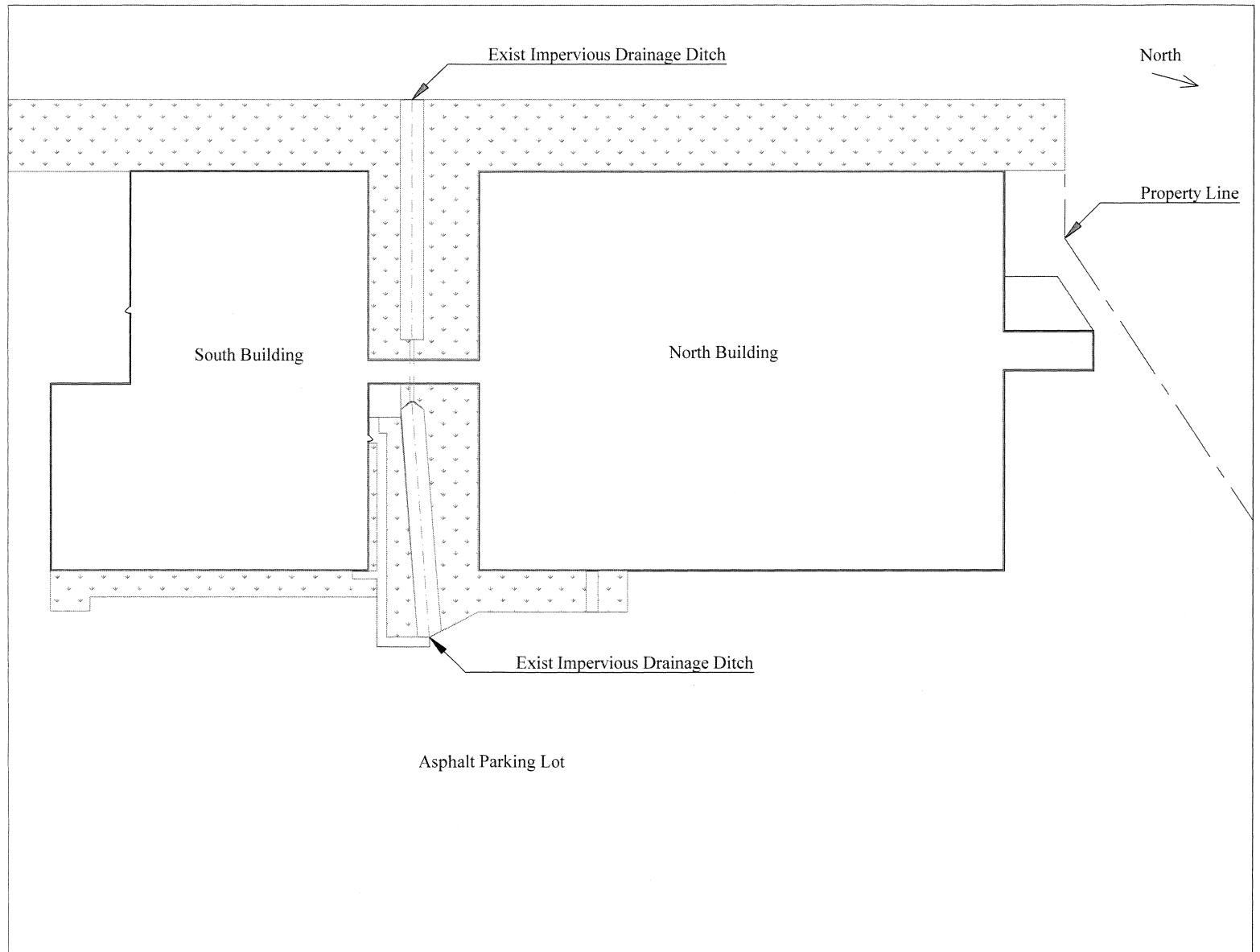
Scale: 1" = 50'

Notes:

Contractor to verify all
dimension shown.

Existing 24 inch culvert
under tunnel between
North & South Buildings
to remain.

Site Plan



Q-VEX ADDITION REV 3C

North American Fur Auctions
205 Industrial Park Drive
Stoughton, WI 53589

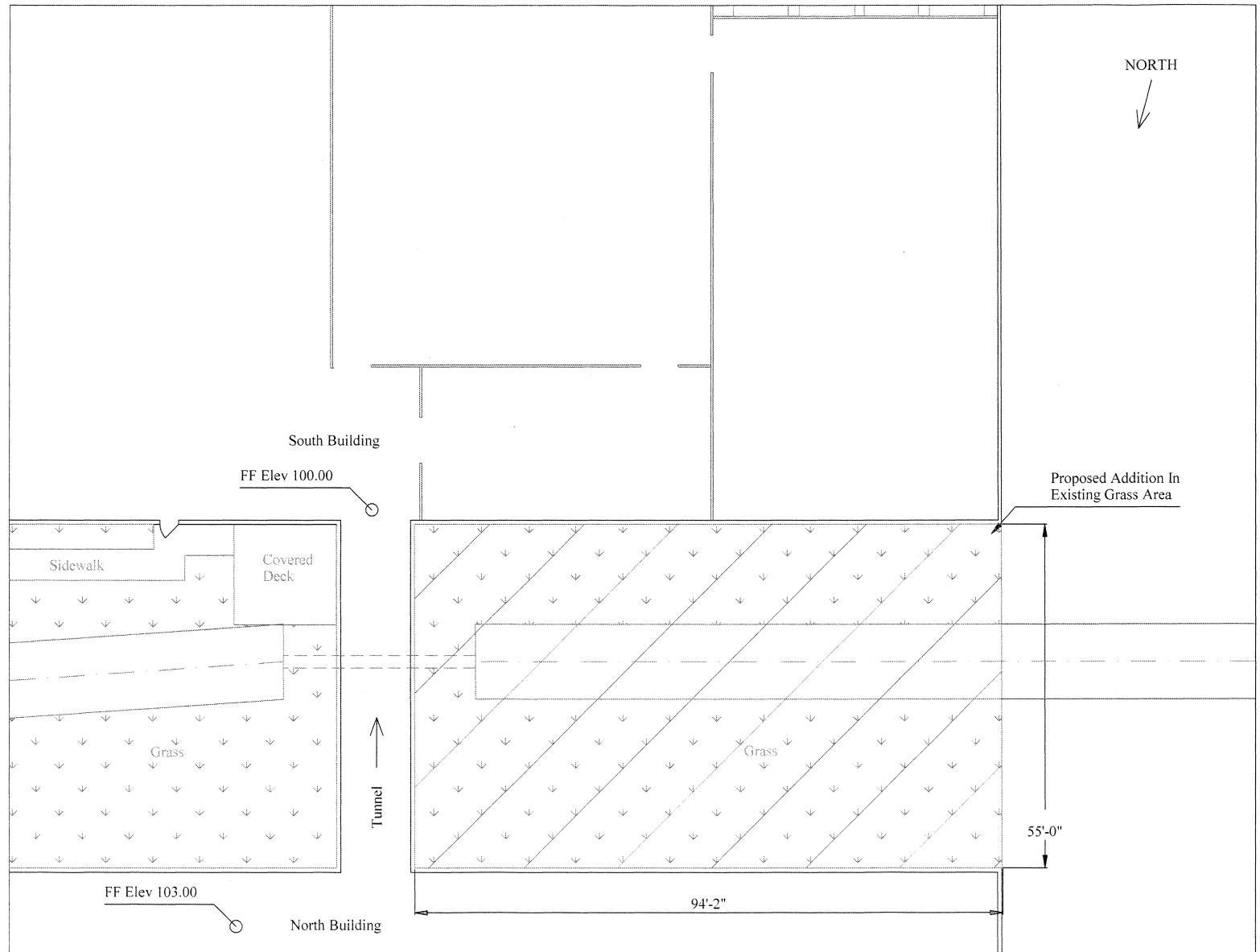
Scale: 1/16" = 1'-0"

Notes:

Contractor to verify all
dimension shown.

Contractor to provide
sufficient number & size
of culverts under new
addition as so not to impede
the flow of storm water.

Existing Plan



Q-VEX ADDITION REV 3C

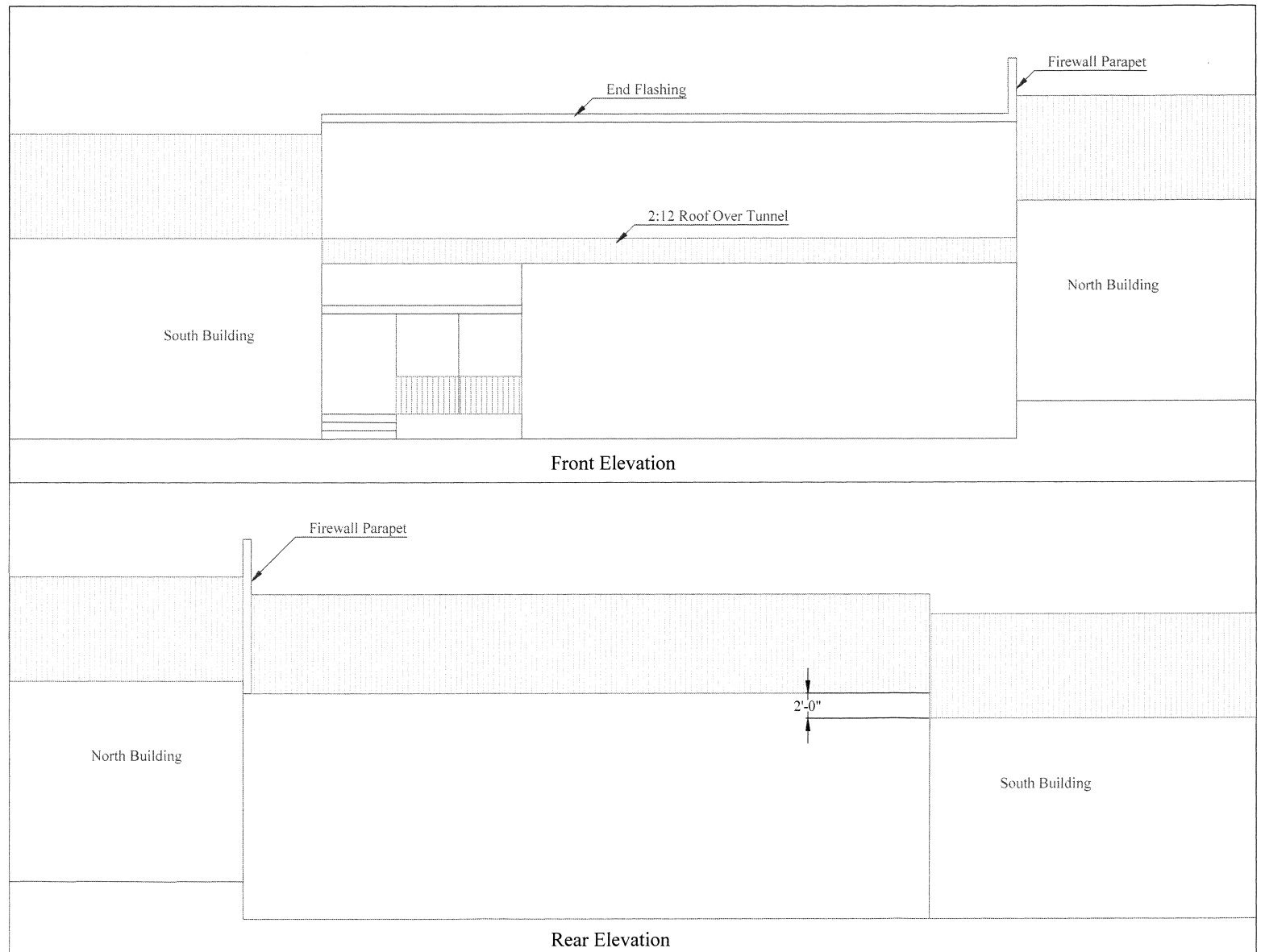
North American Fur Auctions
205 Industrial Park Drive
Stoughton, WI 53589

Scale: 1/8" = 1'-0"

Notes:

Contractor to verify all
dimension shown.

Elevations



Q-VEX ADDITION REV 3C

North American Fur Auctions
205 Industrial Park Drive
Stoughton, WI 53589

Scale: 1/16" = 1'-0"

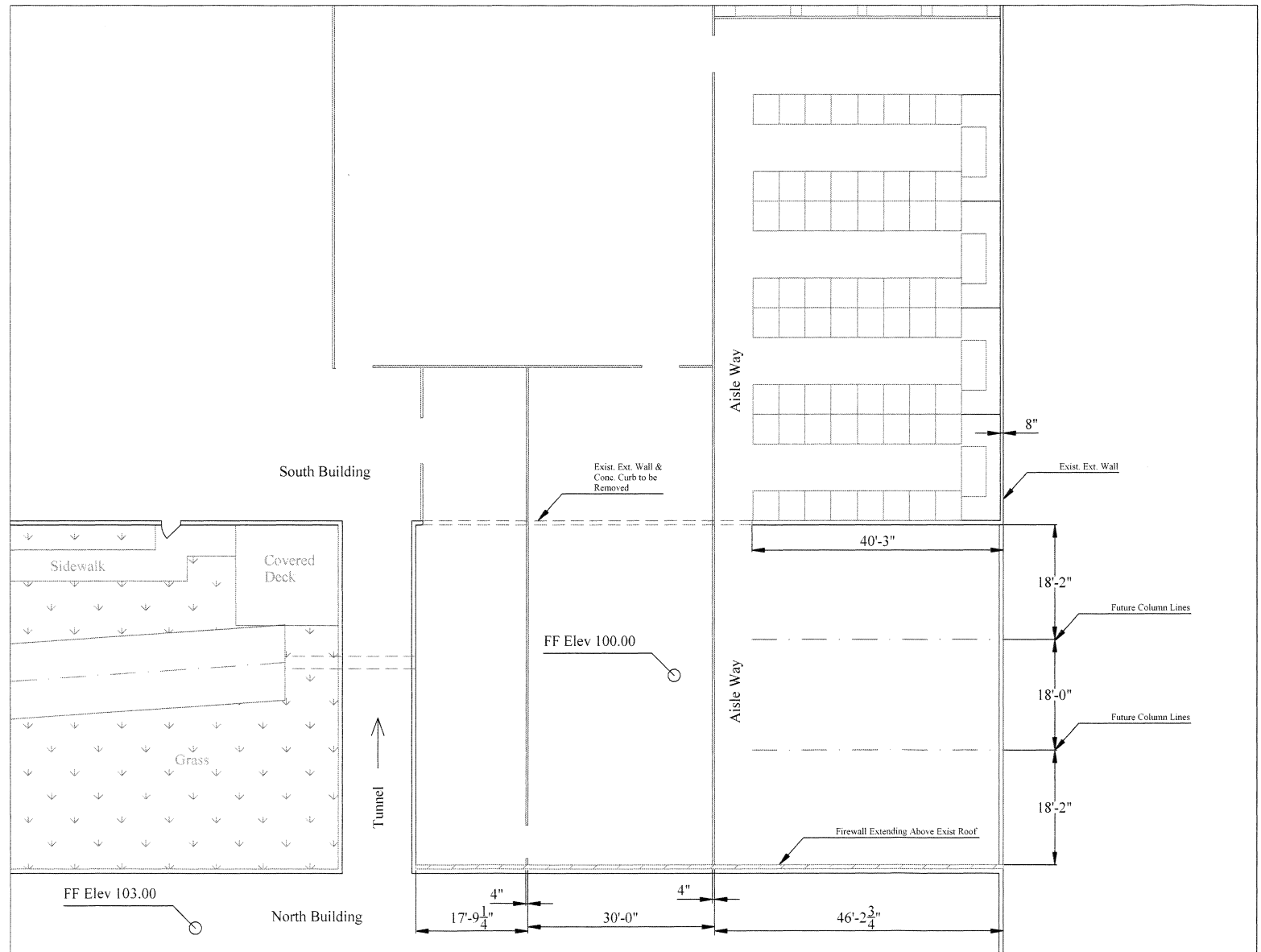
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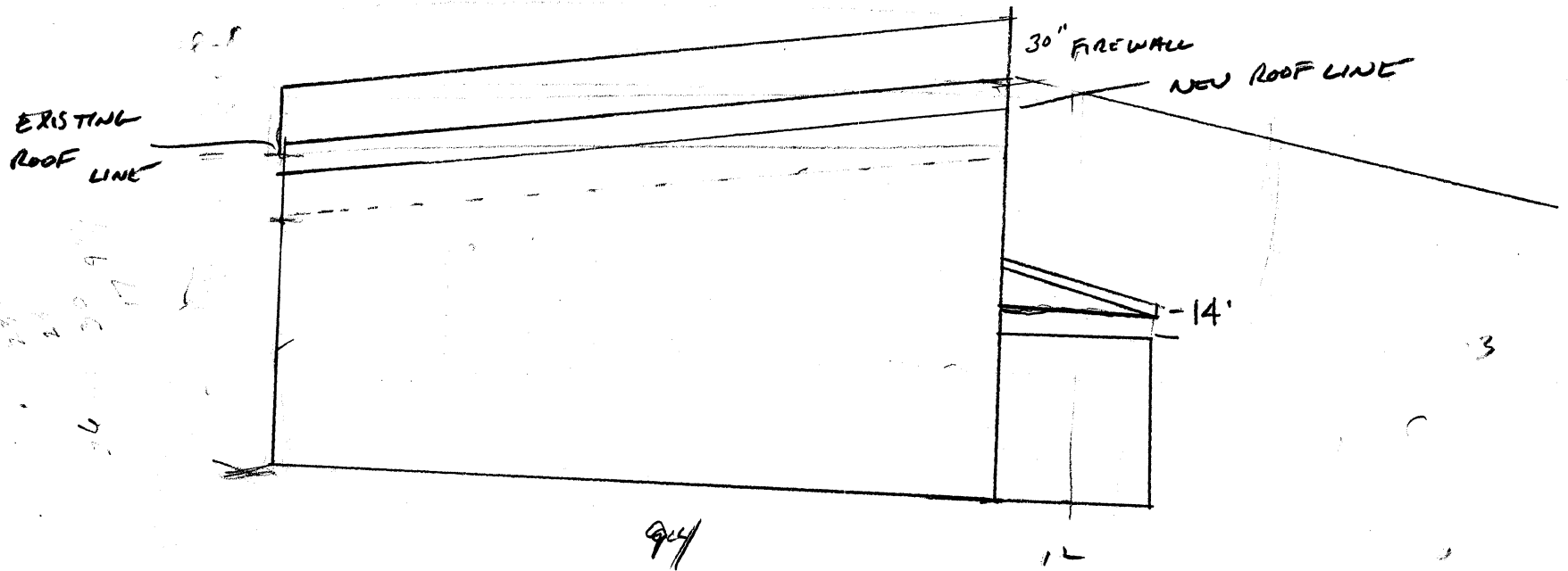
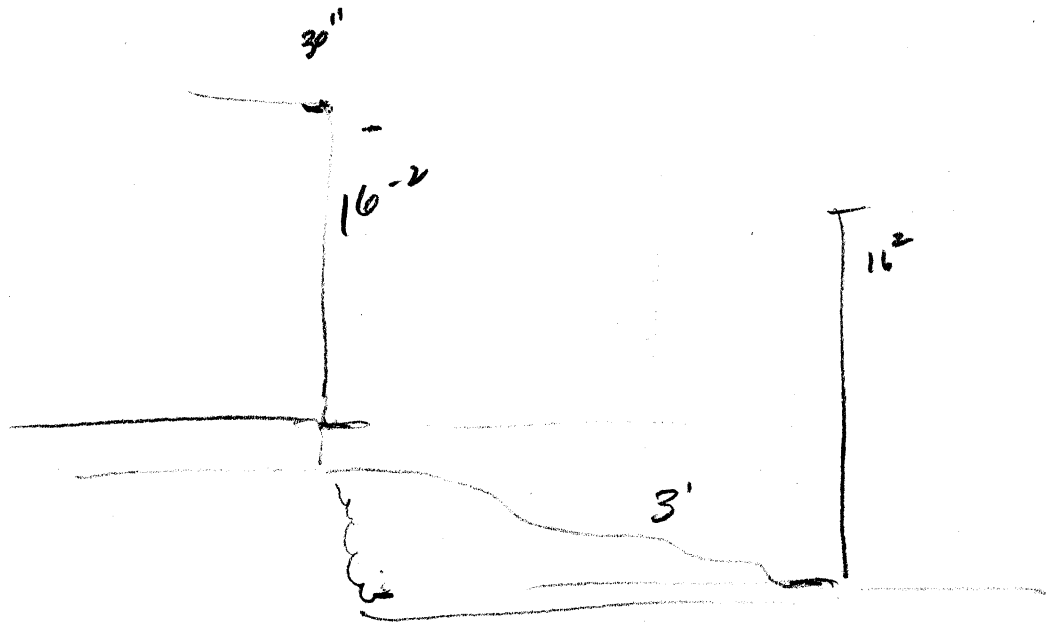
Contractor to verify all
dimension shown.

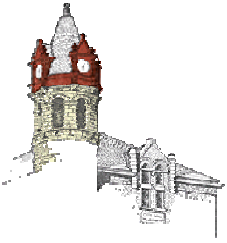
Addition to be designed for
future second floor.

Elevation of eave on addition
to match that of North Building.

New Addition Plan







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DIRECTOR
(608) 873-6619
fax: (608) 873-5519

Ming J. Zhang
2204 Jackson Street
Stoughton, WI. 53589

July 1, 2010

Dear Mr. Zhang:

I have completed a review of the proposed parking lot overlay for 1512 US Highway 51 & 138, Stoughton. Plan submitted on July 1, 2010. This request will be on the Planning Commission agenda for July 12, 2010 of which you will receive notice. The following items are identified for your review.

1. The proposed property is zoned PB – Planned Business. Off-street parking facilities are permitted within the PB district and are subject to approval by the Planning Commission including overlays and reconstructions.
2. This proposal is to overlay the existing asphalt while not disturbing the base except to remove loose asphalt. Additionally, there is a 20' by 24' area in front of the building proposed to be asphalt instead of landscaping.
3. There are no stormwater or erosion control requirements as long as the existing base is not removed.
4. Zoning Code section 78-704 (6) (a) states in part, "All off-street parking and traffic circulation areas shall be paved with a hard, all-weather surface, to the satisfaction of the Director of Planning & Development. Said surfaces intended for 6 or more parking stalls shall be clearly marked in a manner which clearly indicates required parking spaces." The parking lot stalls are proposed to be repainted after paving.
5. The parking stall width is required to be 9 feet and the length requirement is 18 feet.

If you have any questions, please contact me at 608-646-0421

Sincerely,
City of Stoughton

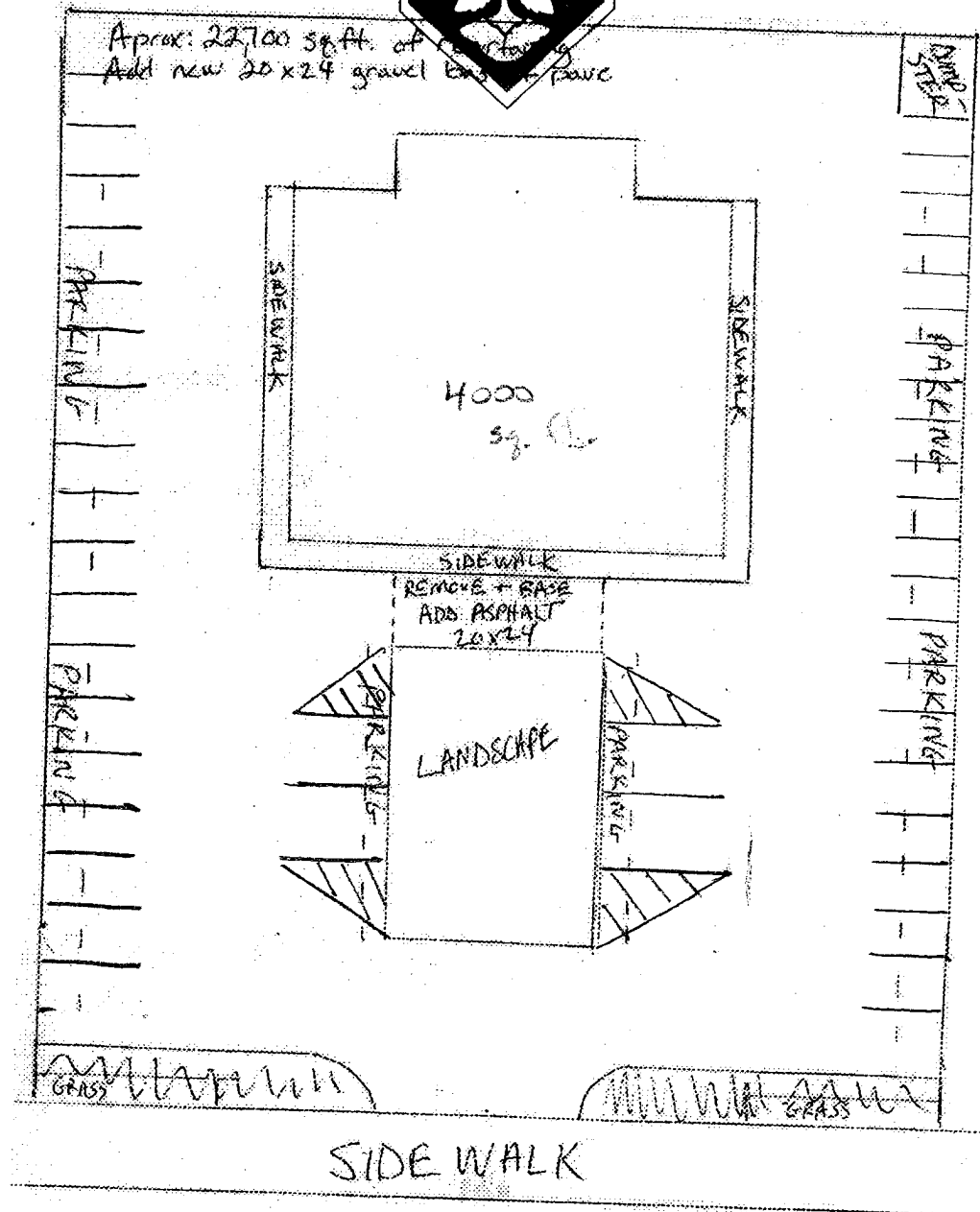
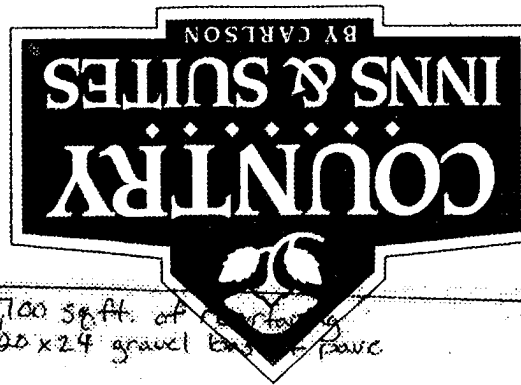
Michael P. Stacey

Michael P. Stacey
Zoning Administrator/Assistant Planner

cc. Planning Commission Members

s:\common\mps\planningcom\1512 us highway 51-138 parking overlay 2010

SCAN0002.JPG



Section 78-718: Fencing Standards

(1) Purpose

The purpose of this Section is to regulate the materials, location, height, and maintenance of fencing, landscaping walls and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.

(2) Applicability

The requirements of this Section apply to all fencing, landscape walls and decorative posts equal to, or exceeding, 30 inches in height, for all land uses and activities.

(1) Standards

(a) Height of fencing regulated.

1. On corner lots in all zoning districts, no fence, wall, hedge, planting or structure shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of 2 1/2 feet and ten feet above grade, in the area bounded by the street lines of such corner lots and a line joining the points along such street lines, ten feet from the point of intersection as provided in section 78-451.
1. Except as provided in section 78-451, a fence, wall, tree, hedge or shrubbery may be erected, placed, maintained or grown along a lot line on residentially zoned property or adjacent thereto; the height of such fences or walls shall not exceed six feet above the ground level. Where such lot line is adjacent to property zoned NB, PB, CB, PI, GI, or HI; there shall be a ten-foot limit on the height of fencing, along such lot line. For this subsection: On residential corner lots, the street front setback will be determined by the owners' choice. Any fence in the front setback area shall not exceed four feet in height.
2. Fences, walls, trees, hedges or shrubbery erected, placed, maintained or grown along a lot line on any business or industrially zoned property, adjacent to residentially zoned property, shall be to a height not less than six feet nor more than ten feet in height, except there is no maximum height for trees, hedges or shrubbery. No barbed wire or electrical fences may be erected or maintained, except that barbed tops are permitted in the GI and HI districts on top of fences having a minimum height of eight feet.

(b) Setback for fencing

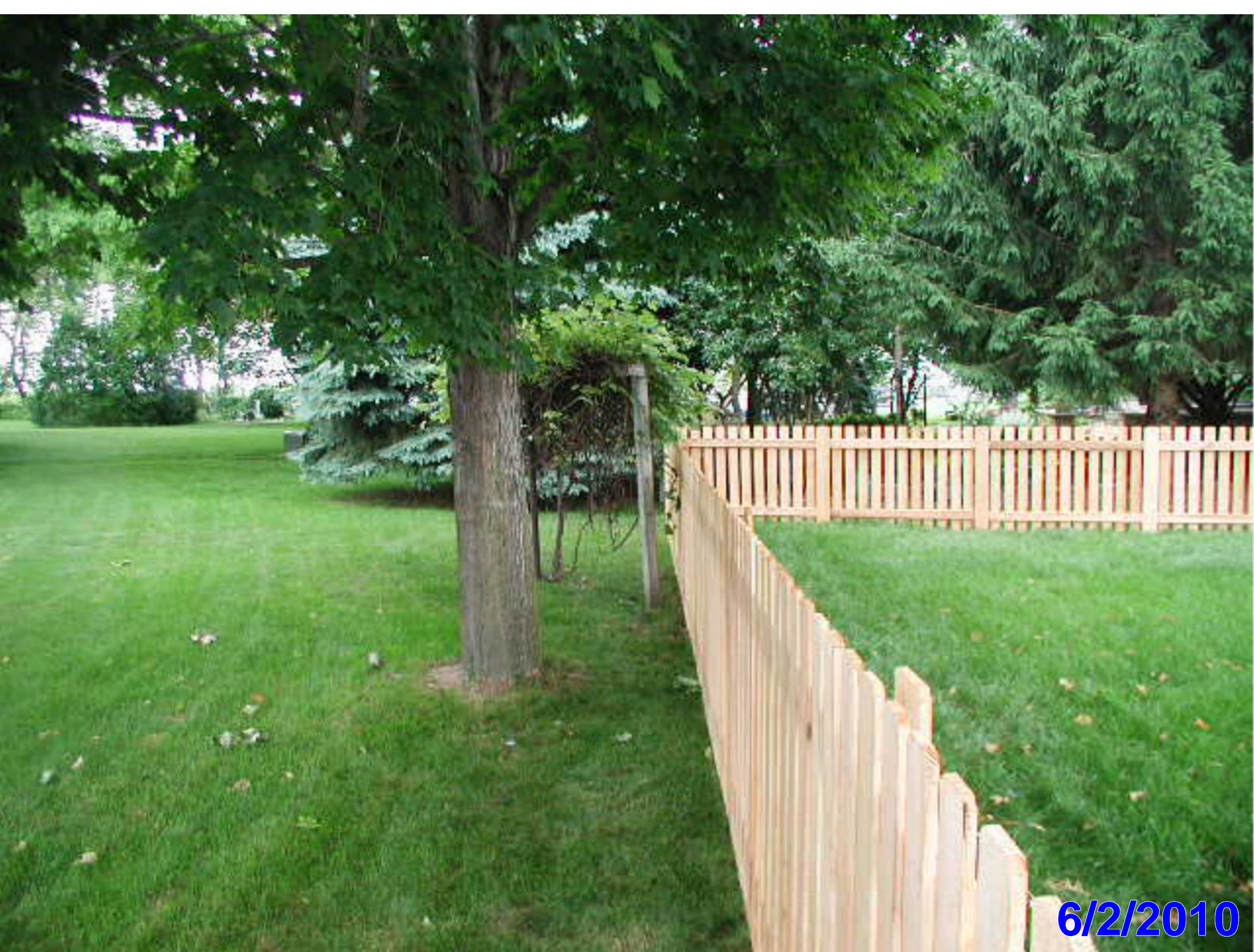
1. Fences in or adjacent to a residential property shall have minimum three feet side and rear yard setbacks unless the adjacent owner consents in writing to the entrance upon such owner's land for the purpose of maintaining such fence or such fence is maintenance free, in which case the minimum setback shall be six inches. A lot survey may be required if property lines cannot be determined.
2. Living fences or hedges shall be planted so that they may be trimmed without entry on abutting lands. Species shall determine distance but in no case shall any shrub or plant be planted less than three feet from the center to the lot line.

(c) Wood fences.

Wood fences on the perimeter of a lot shall be installed with the finish side of the fence slats facing toward the neighboring property.

(d) Fence maintenance.

All fences, including their painted surfaces, shall be maintained and kept safe and in a state of good repair, including painted surfaces.



6/2/2010