

ORDINANCE NO. 2009-06

**ORDINANCE CREATING SECTION 14-2
OF THE MUNICIPAL CODE
REGULATING FARM ANIMALS**

The Town Board of the Town of Buchanan does hereby ordain as follows:

Section 14-2 of the Municipal Code is hereby created to read:

Section 14-2: Regulating Farm Animals

- a) Statutory Authority. Pursuant to Wisconsin Statutes Section 60.22(3) the Town Board of the Town of Buchanan hereby regulates the keeping of farm animals in certain areas in the Town of Buchanan as described herein.
- b) Purpose. The purpose of this ordinance is to regulate keeping of farm animals within certain areas in the Town of Buchanan for the public interest, welfare and health.
- c) Definitions.
 - 1) Farm Animals: Are defined as horses, donkeys, cows, pigs, goats, sheep, ducks, geese, turkeys, chickens, roosters, lamas and alpacas regardless of animal size or age. Farm animals shall also include other livestock or animals kept for profit, for hobby, for labor or for food or fiber which are not customary and usual house pet animals (dog, cat, etc.) maintained within the primary residential structure.
 - 2) Owner: Shall include owner, owners, tenants, lessees and/or occupants.
- d) Restrictions on Farm Animals. No farm animal shall be raised, harbored, cared or provided for on any parcel of land in the Town of Buchanan in the following areas:
 - 1) Within the boundaries of the Darboy Joint Sanitary District No.1.
 - 2) Within any platted subdivision.
 - 3) Within any residential zoned area.
 - 4) On any parcel of land less than three (3) acres in size.
- e) Horses/Ponies.
 - 1) If otherwise permitted in the Ordinance, one (1) horse or pony shall be permitted on a parcel of land at least three (3) acres or more in size.
 - 2) One (1) additional horse or pony shall be permitted for each additional acre.
- f) Special Exceptions. Farm animals may be kept in areas as set forth in Section d if a special exception is granted. The special exception shall be granted in

accordance with the provisions of Section 66-11, Special Exceptions, in the Buchanan Zoning Ordinance. The procedure set forth in said section shall be followed.

- g) Penalty: The Town of Buchanan does hereby determine that the keeping of said animals in the areas described in Paragraph d) above is a nuisance. Any person violating this Ordinance shall be notified at the address shown on the address maintained by the Town of Buchanan for real estate tax purposes, by certified or registered mail or service, as provided in Sec. 801.11, Wis. Stat., to remove the farm animal or animals within five (5) days of the date of mailing or service. If the farm animal or animals are not removed within said period, upon conviction, the Town shall assess a penalty of Fifty Dollars (\$50.00) plus costs and the cost of prosecution. Each day of violation shall be considered a separate offense. Further, the Town may proceed in the Circuit Court for Outagamie County to obtain an injunction removing said farm animal or animals. Upon the issuance of an order for removal of said farm animal or animals, the farm animal or animals may be removed, relocated or destroyed at the Town's sole discretion, and the costs of removal, relocation, and/or destruction shall be assessed upon the owner of the real estate on which the farm animal or animals were located. The Town of Buchanan shall further be entitled to collect all fees and costs, including reasonable attorney fees, incurred in enforcing this Ordinance.
- h) Effective Date: This ordinance shall become effective the day after publication as provided by law. Any farm animal or animals lawfully located on any parcel of land at the effective date of this Ordinance which are not permitted by the provisions of this Ordinance shall be permitted and deemed "grandfathered". However, such violation may not be expanded with additional farm animals, such that at no time shall the number of farm animals located on any such parcel exceed the number of farm animals located thereon at the effective date of this Ordinance.

When the owner of any parcel of land containing a farm animal or animals which have been permitted and "grandfathered" no longer has a farm animal or animals located thereon for six (6) consecutive months or more, such parcel of land shall thereafter be required to comply with the requirements of this Ordinance.

Adopted this 17th day of November, 2009.

TOWN OF BUCHANAN:

Mark McAndrews, Town Chairperson

ATTEST:

Angela Gorall, Town Administrator/Clerk