

Town of Merton  
Joint Public Hearing with the Town Board

To Add a Section Regarding Recreational Chicken Activities of the General Code of Ordinances of the Town Relating Permitted Uses in the Regulations of the 17.44 in the Town Zoning Code and to Repeal and Re-Create 17.29 of the General Code of Ordinances of the Town Relating to Swimming Pools in the Town Zoning Code in Order to Promote the Public Health, Safety, Morals, Prosperity, Aesthetics and General Welfare of the Community.

January 17<sup>th</sup>, 2024

Present: Chairman Klink, Commissioners Griffin, Jensen, Morris, and Good, Planner Haroldson, Deputy Clerk Claas, Supervisors Fleming and Herrick, and Clerk Hann.

Absent: Commissioners Siepmann and Queoff

Also Present: Nancy Hayden, Liz Tobolt, Susan Schneider, Adam Polczynski & Ted Polczynski

Public Meeting called to order by Chairman Klink at 5:30 p.m.

Planner Haroldson read the public hearing notice.

Supervisor Herrick questioned if there is a difference between edible chickens and egg laying chickens and recreational chickens. Planner Haroldson said they can't be slaughtered with the recreational chickens.

Planner Haroldson said the reason this was brought forward is because so many people want to have fresh eggs, and the Town has run into some problems with the neighbors who have dogs and people not cooping or penning their chickens. Chickens are wandering onto the roads and wandering to the neighbors and the Town has had a lot of complaints. The ordinance is to allow those parcels of land that are less than 3 acres to have up to five chickens, no roosters, and no slaughtering of the chickens on site. Most importantly, letter G of the ordinance is about cooping and penning the chickens.

Planner Haroldson stated regarding the swimming pool ordinance, it's pretty much the same but the Town Building Inspector had some concerns about some of the fencing that was going up around new pools because kids could climb up them and get into the pool areas. One of the most important parts of the Swimming Pool Ordinance is on page 2, number 2 which states "No horizontal ladder type swimming pool fences are allowed. All swimming pool fences constructed on decks shall be built flush with outside of deck to prevent ledges to crawl, climb or walk on or over". Any pools permitted after January 1, 2024, will have to meet the new fencing ordinance for pools. This ordinance has been in the zoning code for years and it's just updating it and addressing the issue with horizontal fencing.

Chairman Klink opened the public hearing to public comments and concerns.

Liz Tobolt – W313N9173 Hoff Road – stated with respect to the Recreation Chicken Ordinance, she questioned if you have more than 3 acres and you're in A-1 Zoning, you can't have more than 5 chickens. Haroldson responded that this is in addition to the A-1 Zoning regulations. If the property is more than 3 acres, residents can have 20 chickens for 3 acres. This is just for recreational chicken activity, and is for those who have smaller parcels that are not farming. All the Town's farming ag land stays the same. Tobolt said that maybe the Town should clarify that in this ordinance because she doesn't think that is clear and said what the Town is doing is limiting any parcel of 3 or more acres. Planner Haroldson responded the Town is not limiting the parcels of three or more acres, it's only saying that if you have

less than 3 acres and you have chickens. In all the permitted uses in the zoning, this would be an add on. Tobolt clarified that less than 3 acres can have 5 chickens and would need a permit. Haroldson responded that is correct, after January 1 of this year. Tobolt questioned if residents were grandfathered in if they had the chickens prior. The ordinance was modeled after Waukesha County. Tobolt stated she doesn't have a problem with the restrictions at all, she just wants to make sure the Town is not strapping farmers with the chickens.

Commissioner Jensen stated some people have built some pretty nice chicken coops, and asked if it didn't comply and it isn't an eyesore, would it be grandfathered in. Planner Haroldson stated the Building Inspector would be happy that they're penned.

Chairman Klink closed the public hearing at 5:40 p.m.

Respectfully submitted,

Holly R Claas  
Deputy Clerk