

Sec. 10-15. - Keeping of chickens.

- (a) *Purpose.* It is recognized that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding pastime. Therefore, it is the purpose and intent of this section to permit the keeping and maintenance of hens in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety, and welfare of the community.
- (b) *Investigation and enforcement.* Personnel designated by the city shall have authority in the investigation and enforcement of this article, and no person shall interfere with, hinder or molest any such officer in the exercise of such powers. The city shall make investigations as is necessary and may grant, deny, or refuse to renew any application for permit, or terminate an existing permit under this article.
- (c) *Limit on the number of chickens.* A person may keep, harbor, or maintain care or control over no more than four chickens defined by this chapter on property or parcels greater than 12,000 square feet and less than 0.5 acres in size and zoned single-family residential, R-1, or on property designated for one family detached dwellings within a planned unit development and no more than six chickens on parcels greater than 0.5 acres in size and zoned single-family residential, R-1, or on property designated for one family detached dwelling within a planned unit development. No roosters shall be permitted.
- (d) *Permit required; term, consent, fee.*
  - (1) No person shall own, keep, harbor, or have custody of any live chicken without first obtaining a permit from the city.
  - (2) The first permit is valid for up to two years beginning on the date of issuance and ending on December 31 of the following year. Subsequent permits are valid from January 1 to December 31. Permits are non-transferable.
  - (3) The fee for a permit may be imposed, set, established and fixed by the city council, by ordinance, and amended from time to time.
  - (4) Contiguous parcels shall be notified of city-approved permits.
- (e) *Application.* Any person desiring a permit required under the provisions of this article shall make written application to the city upon a form prescribed by and containing such information as required by the city. Among other things, the application shall contain the following information:
  - (1) A description of the real property upon which it is desired to keep the chickens.
  - (2) The breed and number of chickens to be maintained on the premises.
  - (3) A site plan of the property showing the location and size of the proposed chicken coop and run, setbacks from the chicken coop to property lines and surrounding buildings (including houses and buildings on adjacent lots), and the location, type, and height of fencing proposed

to contain the chickens in a run or exercise area. Portable coops and cages are allowed, but portable locations must be included with the site plan.

- (4) A statement certifying whether the property's homeowners' association rules, if any, prohibit the keeping of chickens on the property for which the application is sought.
  - (5) Statements that the applicant will at all times keep the chickens in accordance with all of the conditions prescribed by the officer, or modification thereof, and that failure to obey such conditions will constitute a violation of the provisions of this article and grounds for cancellation of the permit.
  - (6) Such other and further information as may be required by the city.
- (f) *Permit conditions.* Each person keeping chickens within the city shall comply with the following:
- (1) The owner of the chickens must occupy the premises for which the permit is issued.
  - (2) No person may keep a rooster or crowing hen.
  - (3) No person may allow chickens to range freely without fencing or without a mobile pen.
  - (4) No breeding. The raising of chickens for breeding purposes is prohibited on residentially used or zoned properties.
  - (5) Chickens over the age of six weeks shall not be kept in a dwelling or attached garage.
  - (6) Chickens shall be properly protected from the weather and predators in a shelter or chicken coop, and have access to the outdoors in an enclosure or fenced area. The shelter and/or enclosure shall meet all of the following requirements:
    - a. The roofed structure and required fencing for the chickens may only be located in a rear yard and must be set back ten feet from lot lines and 20 feet from dwellings on adjacent properties.
    - b. The enclosure or fenced area for chickens shall not exceed 40 square feet per bird and shall not exceed six feet in height.
    - c. The roofed structure shall be fully enclosed, wind proof, and have sufficient windows for natural light constructed with architecturally appropriate building materials including exterior grade siding and either a metal, composite or shingled roof, or in the alternative, coop shall be purchased from a commercial source that constructs structures specifically to be used as coops for chickens.
    - d. The proposed chicken coop must be consistent with the accessory structure zoning regulations elsewhere in this Code.
    - e. Coop and run must be removed and site restored if keeping of chickens is discontinued for more than 12 months.
- (g) *Prevention of nuisance conditions.* Owners shall care for chickens in a humane manner and shall prevent nuisance conditions by ensuring the following conditions are met:

- (1) The shelter and enclosure are maintained in good repair, and in a clean and sanitary manner free of vermin and objectionable odors.
  - (2) Feces and discarded feed is regularly collected and stored in a leak-proof container with a tight-fitting cover to prevent nuisance odors and the attraction of vermin until it can be disposed properly.
  - (3) Chicken feed shall be stored in leak-proof containers with a tight-fitting cover to prevent attracting vermin.
  - (4) Dead chickens must be disposed of according to the Minnesota Board of Animal Health rules which require chicken carcasses to be disposed of as soon as possible.
  - (5) Slaughtering and processing of the chickens on the property is prohibited.
- (h) *Issuance, revocation.*
- (1) If granted, the permit shall be issued by the city and shall state the conditions, if any, imposed upon the permitted for the keeping of chickens under this permit. The permit shall specify the restrictions, limitations, conditions and prohibitions which the city deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to protect the public health and safety. Such permit may be modified from time to time or revoked by the city for failure to conform to such restrictions, limitations, or prohibitions. Such modification or revocation shall be effective after ten days following the mailing of written notice thereof by certified mail to the person or persons keeping or maintaining such chickens.
  - (2) The city may revoke any permit issued under this article if the person holding the permit refuses or fails to comply with this article, with any regulations promulgated by the city council pursuant to this article, or with any state or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within ten days thereafter, humanely dispose of all chickens being owned, kept or harbored by such person, and no part of the permit fee shall be refunded.
- (i) *Violations.* Failure to comply with a provision of this chapter is a violation and the city is authorized to take one or more of the following actions:
- (1) Initiate a criminal action by citation or formal complaint. A violation of this chapter is a misdemeanor.
  - (2) Process the violation as a public nuisance abatement matter.
  - (3) Any person violating any conditions of this permit shall reimburse the city for all costs borne by the city to enforce the conditions of the permit including, but not limited to, the pickup and impounding of chickens.