

ORDINANCE NO. 191  
(Chicken Regulations)

CITY OF MAYER

CARVER COUNTY, MINNESOTA

February 24, 2014

AN ORDINANCE LICENSING AND REGULATING THE RAISING AND KEEPING  
OF CHICKENS IN THE CITY OF MAYER

The City Council of the City of Mayer, Carver County, Minnesota, ordains that:

**Section 1. Purpose and Scope.** It is recognized that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding past time. Therefore, it is the purpose and intent of this Ordinance, subject to the conditions and requirements of this Ordinance, to permit the limited keeping and maintenance of chicken hens for eggs and meat sources in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety and welfare of the community.

**Section 2. Keeping of Chickens.** The raising, harboring, maintaining and keeping of chickens in the City of Mayer is prohibited **except** as provided by this Ordinance and except as may be allowed in the City of Mayer agricultural zoning districts.

**Section 3. License Required.** A license is required for any person seeking to keep chickens as allowed by this Ordinance. An applicant must complete an application form provided by the city. Any amendment to an existing license shall constitute a new application and fee. The application shall include, but not limited to the following information:

- a. Written, dated and signed consents from at least 75% of the owners of all properties within 200 feet of the applicant's property. Such consents may also be required upon any request for renewal of the license.
- b. A scaled drawing (Site Plan) showing the location, size, and dimensions of all structures (coops, etc.) and containment areas for the chickens including the distance of all structures and containment areas from adjoining structures and neighboring property lines and city setback requirements.
- c. The number of chickens to be kept on site.
- d. Detailed feces and waste removal plan.

- e. An agreement by the applicant that the premises may be inspected by the city at all reasonable times to ensure compliance with all applicable conditions.
- f. A statement that the applicant understands the conditions and requirements of this Ordinance.

**Section 4. Duration of License and Fee.**

- a. Each license issued under this Ordinance shall expire on December 31 in the year of issuance unless sooner revoked. A license shall be renewed annually to continue the limited keeping of chickens.
- b. The annual fee for a license shall be in such amount as set forth in the City fee Ordinance, which shall be paid at the time of the making of the application.

**Section 5. Right of Entry for Inspections.** The animal control officer or city administrator's designee may enter and inspect any property or accessory building for the keeping of chickens at any reasonable time for the purpose of investigating an actual or suspected violation to ascertain compliance or noncompliance with this section.

**Section 6. License Subject to Terms and Conditions of this Ordinance, Private Restrictions and Revocation.**

- a. A license is subject to all terms and conditions of this Ordinance and any additional conditions deemed necessary by the City to protect the public health, safety, and welfare. Private restrictions such as covenants take precedence over the permit. A permit issued to a person whose premises are subject to covenants that prohibit the keeping of chickens is subject to be voided. The interpretation and enforcement of the private restrictions is the sole responsibility of the private parties involved.
- b. The City may revoke a license for failure to comply with provisions of this Ordinance or any of the license's conditions. Prior to revoking a license, the City shall provide the owner with notice of the revocation and an opportunity to appeal the revocation to the city council.

**Section 7. Limitations on Keeping of Chickens.**

- a. Intent and Purpose. It is the intent and purpose of this section to set standards for the limited keeping of chickens in the City of Mayer.
- b. Conditions. The limited keeping of chickens may be permitted as one additional accessory use to a detached single-family property dwelling unit subject to the following:

1. The owner of the chickens shall live in the dwelling on the property and the property owner is in receipt of a license as required by this Ordinance.
2. No more than -five total hen chickens shall be kept on the single-family dwelling unit property.
3. No roosters or adult male chickens shall be kept on the single-family dwelling unit property.
4. All chickens shall be kept within a separate enclosed building and/or fenced outdoor containment area subject to the following:
  - (a) The building shall be less than 120 square feet in size and not exceed six feet in height.
  - (b) The building shall comply with all setbacks and other standards for accessory buildings, unless otherwise stated herein.
  - (c) Any outdoor containment area, run or exercise yard shall be screened from view from all neighboring properties and rights-of-way. Outdoor containment areas shall not exceed 20 square feet per bird and shall be enclosed by a fence not to exceed six feet in height.
  - (d) Any building or containment area shall be located in the rear yard only and shall be at least 50 feet from adjacent habitable structures.
  - (e) Fencing used to contain chickens shall comply with applicable conditions of the City Code, but in any event shall be sufficient to contain the chickens from being able to leave the site.
  - (f) Chickens shall not be kept within the dwelling unit or garage.
  - (g) The accessory building and/or containment area shall be maintained in good repair, in a clean and sanitary manner, free of vermin, and free of objectionable odors.
  - (h) Chickens shall remain in the building and/or containment area at all times and shall not run at large.
  - (i) Chickens shall remain in the building from sunset to sunrise each day to prevent nuisance noise and the attraction of vermin and predators.
  - (j) Leg banding of all chickens is required. The bands must identify the owner's name, address, and telephone number.

5. The slaughter of chickens on site is prohibited.
6. The raising of chickens for breeding purposes is prohibited.
7. The sale of eggs or other commercial activity on the premises is prohibited.
8. Feces and discarded feed shall be regularly collected and only stored temporarily on site in a leak-proof container with a tight-fitting cover to prevent nuisance odors and the attraction of vermin. Such waste shall not be composted on site.
9. Chicken feed shall be stored in leak-proof containers with a tight-fitting cover to prevent attracting vermin.
10. Chicken fighting is prohibited.
11. 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 after death, usually within 48-72 hours. Legal forms of chicken carcass disposal include offsite burial, offsite incineration or rendering, or offsite composting.
12. The holder of a license who no longer intends to keep chickens or whose license has expired shall notify the City and remove all structures, fences and containment areas where chickens have been kept.

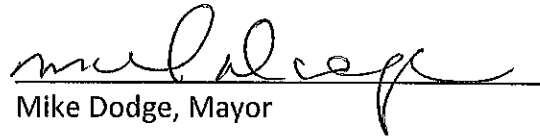
**Section 8. Violators and Penalties.**

- a. Any person keeping chickens without a license issued under this Ordinance or continues to keep chickens after the license has expired or been revoked shall be guilty of a misdemeanor. If a license is revoked or a person is found guilty of a violation of this Ordinance, no new license may be issued for a minimum period of one (1) year after such event.
- b. Any person violating any conditions of this Ordinance shall reimburse the City for all costs and expenses incurred by the City to enforce the conditions of the license including but not limited to the pickup and impounding of chickens.

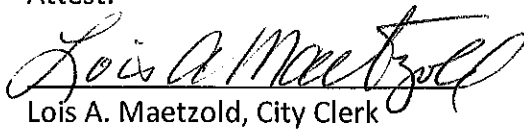
**Section 9. Severability and Savings Clause.** If any section or portion of this Ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as an invalidation or affect the validity and enforceability of any other section or portion of this Ordinance.

**Section 10. Effective Date.** This Ordinance shall be in full force and effect from and after the date of passage, approval and publication according to law. Any other ordinance or section of the City of Mayer Code of Ordinances that is inconsistent with this Ordinance is hereby repealed.

Passed and adopted by the City Council of the City of Mayer this 24<sup>th</sup> day of February 2014.

  
Mike Dodge, Mayor

Attest:

  
Lois A. Maetzold, City Clerk

(Published in Herald Journal)

CITY OF MAYER  
ORDINANCE # 202

**AN ORDINANCE AMENDING TITLE IX: GENERAL REGULATIONS,  
CHAPTER 92: ANIMALS, BY AMENDING SECTION 92.01 DEFINITIONS  
BY ADDING NEW DEFINITIONS AND BY ADDING A NEW SECTION 92.18  
BEEKEEPING, RELATING TO THE KEEPING OF BEES**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAYER THAT THE FOLLOWING SECTIONS OF THE MAYER CITY CODE, RELATED TO BEEKEEPING BE AMENDED TO READ AS FOLLOWS:

**SUBD. 1.** Section 92.01 Definitions is amended as follows, by adding the following definitions:

**SECTION 92.01 DEFINITIONS.**

**APIARY.** The assembly of one (1) or more colonies of honeybees at a single location.

**BEEKEEPER.** A person who owns or has charge of one (1) or more colonies of honeybees.

**BEEKEEPING EQUIPMENT.** Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

**COLONY.** An aggregate of honeybees consisting principally of workers, but having, when perfect, one (1) queen and at times drones, brood, combs, and honey.

**HIVE.** The receptacle inhabited by a colony that is manufactured for that purpose.

**HONEYBEE.** All life stages of the common domestic honeybee, *Apis mellifera* species of European origin.

**NUCLEUS COLONY.** A small quantity of honeybees with a queen housed in a smaller than usual hive box designed for a particular purpose.

**SUPER.** That part of a honeybee hive used to collect honey.

**SWARMING.** The natural process where a queen bee leaves a colony with a large group of worker bees.

**UNUSUAL AGGRESSIVE BEHAVIOR.** Any instance in which unusual aggressive characteristics such as stinging without provocation or attacking without provocation occurs.

**SUBD. 2.** A new Section 92.18 is added related to beekeeping within the City:

**SECTION 92.18 BEEKEEPING.**

(A) Purpose. The purpose of this section is to establish certain requirements for beekeeping within the City and to avoid conflicts which might otherwise be associated with beekeeping in populated areas, all for the sake of preserving the safety and well-being of the community.

(B) Standards of Practice.

(1) Honeybee Colonies meeting the requirements of this ordinance may be kept within the A Agricultural, C/I Commercial/Industrial and P/I public institutional districts.

(2) No more than six (6) hives or two (2) colonies may be located on a lot.

(3) No hive shall occupy any front yard.

(4) No hive shall exceed twenty (20) cubic feet in volume.

(5) No hive shall be located closer than ten (10) feet from a public sidewalk, twenty-five (25) feet from a principal building on an abutting lot, three (3) feet from any side or rear property line, within two hundred (200) feet of a school or licensed child day care center and no hive shall be kept or maintained within any required front yard.

(6) A flyway barrier at least six (6) feet in height shall shield any part of a property line that is within twenty-five (25) feet of a hive. The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof and it shall be positioned to transect both legs of a triangle extending from an apex at the hive to each end point of the part of the property line to be shielded.

(7) A constant supply of water shall be provided within twenty-five (25) feet of all hives.

(8) No colonies or hives shall be kept upon any land not owned or possessed by the keeper of such bees. The owner shall obtain a license for beekeeping under the requirements of this section.

(9) Nothing in this section shall be deemed or construed to prohibit the keeping of bees within a school or on school grounds for the purpose of observation, or within a physician's office or laboratory for the purpose of medical research, treatment, or other scientific purposes.

(C) Application for License. An Application for a license to keep bees shall be made to the City upon forms furnished by the City prior to installing, altering or establishing a colony of bees within a hive. A license must be obtained to assure that all colonies and hives meet all requirements of this section.

(1) The Application shall include the following data.

(a) Name and address of applicant/property owner.

(b) Legal description of the property.

(c) A site plan or survey, if deemed necessary by the City, illustrating the dimensions of the property, including location and distances of neighboring residences and the location of the hive(s) in relation to any property lines, sidewalk, alleys, and right-of-ways.

(d) Location of any schools or licensed child day care center.

(2) All applications shall be accompanied by an application fee, if any is required by the City.

(3) Upon establishment of the colony and placement of the hive(s) and after all requirements of this section are met, the City shall issue a license upon a form furnished by the City. The license shall be good for a period of one (1) year at which time the applicant shall renew the license. The renewal shall be accompanied by a renewal fee, if any is required by the City and notification by the City is not required for renewal of a license.

the license. The renewal shall be accompanied by a renewal fee, if any is required by the City and notification by the City is not required for renewal of a license.

(4) Upon initial registration or change of address within the City, the City shall notify in writing all owners of lots within two hundred (200) feet of any lot line of the apiary site, of the presence of said apiary.

(5) Any resident within two hundred (200) feet of any lot line of an apiary site may file a written appeal of the approval of the initial registration to the City Administrator, or their designee. If an appeal is filed, the beekeeper will be notified in writing by the City Administrator or their designee.

(D) Required Conditions.

(1) Honeybee colonies shall be kept in hives with removable frames, which frames shall be kept in sound and usable condition.

(2) Materials from a hive or colony which might encourage the presence of honeybees, such as wax comb, shall be promptly disposed of in a sealed container or placed within a building or other bee-proof enclosure.

(3) For each colony permitted to be maintained under this section, there may also be maintained upon the same apiary site, one nucleus colony in a hive structure not to exceed one standard 9 5/8 inch depth ten-frame hive body, with no supers.

(4) Beekeeping equipment shall be maintained in good condition. Unused beekeeping equipment must be protected to prevent occupancy by swarming honeybees.

(5) Hives shall be continuously managed to provide adequate living space for their resident honeybees in order to control swarming.

(6) In any instance in which a colony exhibits unusual aggressive behavior, it shall be the duty of the beekeeper to promptly implement appropriate actions to address the behavior.

(7) If requeening is required, queens shall be selected from European stock bred for gentleness and non-swarming characteristics.

(8) Fruit trees and other flowering trees, which are located on an apiary site, shall not be sprayed, while in full bloom, with any substance which is injurious to honeybees.

(E) Compliance and Inspection.

(1) Upon receipt of credible information that any Colony or hive located within the City is not being kept in compliance with this section, the City Administrator shall cause an investigation to be conducted. If the investigation shows that a violation may exist and will continue, the City Administrator shall cause a written notice of hearing to be issued to the owner. Notices shall be given by certified U.S. Mail or personal delivery. However, if the owner cannot be located, then notice may be given by publication in the official newspaper, at least seven (7) days before the hearing. The notice shall set forth the following.

(a) The date, the time and the place that the hearing will be held, which date shall be not more than thirty (30) days from the date of the notice.

(b) The violation alleged.



(c) That the owner may appear in person or through counsel, present evidence, and cross examine witnesses.

(d) That if the City Council finds that the colonies or hives have been kept in violation of this section, and if the violation is not remediated within the time allowed, the colonies or hives may be ordered removed and/or destroyed.

(2) No hearing and no order shall be required for the destruction of honeybees not residing in a hive structure that is intended for beekeeping.

(3) Upon prior notice to the owner of the apiary site, the chief of police or his/her designee shall have the right to inspect any apiary for the purpose of ensuring compliance with this section.

(4) It shall be deemed a violation of this section for any person to resist, impede or hinder City Administrator or his/her designee in the performance of their duties in inspecting any apiary and surrounding grounds.

(F) Denial, Revocation or suspension

(1) Registrations issued under the provisions of this section may be denied, revoked or suspended by the City Administrator after notice and the right to request a hearing, for any of the following causes:

(a) Fraud, misrepresentation or false statements on the registration or during the course of the registered activity.

(b) The keeping of honeybees in an unlawful manner or a manner so as to constitute a breach of peace, or to constitute a nuisance to the health, safety or general welfare of the public.

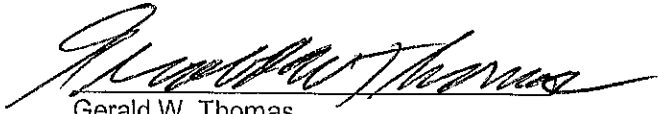
(G) Any Violation of this Section.

Notice of the denial, revocation or suspension, shall be in writing, specifically set forth the grounds for denial, revocation or suspension and the person's right to request a hearing before the city manager or his/her designee. Such notice shall be mailed, postage prepaid, to the person to his/her last known address, or shall be delivered in the same manner as a summons. Any person who desires a hearing before the city manager or his/her designee must request the hearing in writing, within seven (7) days of the date of the notice, by filing a written request for a hearing with the chief of police. If a hearing is requested it shall be held before the City Administrator or designee within thirty (30) days of the request. The City shall notify the person in writing of the time, date and location of the hearing at least five (5) days prior to the hearing. Within seven (7) days after the hearing the City Administrator or designee shall issue a written decision in the matter and that decision shall be final. If the person fails to request a hearing within seven (7) days of the date of the notice, the denial, suspension, or revocation shall automatically be deemed final. The right to request a hearing before the City Administrator or his/her designee shall be in place of any right to appeal.

**EFFECTIVE DATE.**

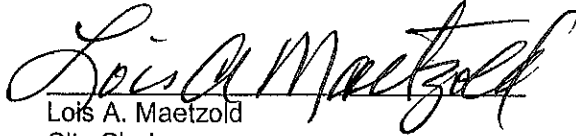
This Ordinance shall become effective following its publication in the official newspaper of the City.

ORDAINED by the City Council of the City of Mayer, Carver County, Minnesota this 24 th day of August, 2015.



Gerald W. Thomas  
Mayor

ATTEST:



Lois A. Maetzold  
City Clerk

Moved by:  
Seconded by:

Published:  
Filed with Carver County: