

**TO:** Mayor Robinson and City Council

**FROM:** Jeffrey L. McCormick, Chief of Police

**SUBJECT:** Urban Chicken Ordinance – first reading

**DATE:** March 1, 2017

**BACKGROUND**

At the February 21, 2017 meeting City Council directed that the proposed Urban Chicken Ordinance that would make a new section that was specific to urban chickens and slight amendments to sections 94.25, 94.26 and 152.236 be brought forward for first reading at the March 7, 2017.

Attached is the Urban Chicken Ordinance.

I have also attached the information sheet prepared and permit application that would be provided to persons considering or applying for chickens. These are provided strictly as reference and are administrative documents that require no Council action.

**REQUESTED COUNCIL ACTION**

Motion and approval of first reading of the Urban Chicken Ordinance.

**CITY OF CANNON FALLS  
GOODHUE COUNTY, MINNESOTA**

**ORDINANCE NUMBER 350  
SECOND SERIES**

**AN ORDINANCE AMENDING TITLE IX, CHAPTER 94  
OF THE CANNON FALLS CITY CODE CONCERNING ANIMALS**

THE CITY COUNCIL OF THE CITY OF CANNON FALLS, GOODHUE COUNTY,  
MINNESOTA, ORDAINS:

**SECTION 1.** Section 94.25 of the Cannon Falls Code of Ordinances is hereby amended by amending the definition section to include:

***URBAN CHICKEN.*** A domesticated female of the Species: Gallus domesticus, as identified by the U.S. Department of Agriculture, hereafter referred to as Urban Chicken or Chicken.

***COOP.*** The structure for the keeping or housing of chickens as permitted by this Section.

***RUN.*** A fully enclosed and covered area attached to a coop where chickens can roam unsupervised.

**SECTION 2.** Section 94.26 of the Cannon Falls Code of Ordinances is hereby amended by amending the keeping section to include:

(E) Urban Chickens are allowed only by permit as provided by Section 94.3 at an owner-occupied single family dwelling property located within a residential district that allows single family dwellings as permitted use.

**SECTION 3.** Section 94.33 of the Cannon Falls Code of Ordinances is hereby created to read as follows:

**§ 94.33 URBAN CHICKENS PERMIT REQUIRED.** 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 ordinance to permit the keeping and maintenance of chicken hens for residential egg production by permit. The chicken **MUST** be kept in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety and welfare of the community. The keeping of other poultry is prohibited.

**(A) Permit Required.** A permit is required for any person seeking to keep Urban Chickens in the city of Cannon Falls as allowed by this Section. Coops and runs under this section will be exempt from and not counted towards the limits of detached accessory building as provided by § 152.236 of the City Code of Ordinances. An applicant must complete an application form provided by the city. Any amendment to an existing permit shall constitute a new application fee. The application shall include, but is not limited to, the following information:

- (1) Written, dated and signed application from 100% of the owners of the property applying.
- (2) Attesting to meet the requirements that the property is an owner occupied single family dwelling located within a residential district that allows single family dwellings as permitted use.
- (3) A scaled drawing (Site Plan) showing the location, size and dimensions of all structures (coops, runs, etc.) and containment area for the urban chicken(s), including the distance of all structures and containment areas from the property lines and adjoining and neighboring structures.
- (4) The number of chickens to be kept on site, six (6) maximum.
- (5) Detailed feces and waste management plan.
- (6) An agreement by the applicant that the premises may be inspected by the city at any reasonable time to ensure compliance with all applicant conditions.

**(B) Duration of Permit and Fee.**

- (1) Each permit issued under this ordinance shall expire on December 31 in the year of issuance unless sooner revoked. A permit shall be renewed annually to continue the limited keeping of urban chickens.
- (2) The annual fee and/or renewal fee for a permit shall be paid at the time of the making of the application. Permit fees shall be in such amount as set forth in the City Fee Schedule approved annually by the City Council.
- (3) If permit is not approved, permit fees shall not be refunded.
- (4) Permit fees shall not be pro-rated.

**(C) Permit Subject to Terms and Conditions of the Ordinance.**

- (1) A permit is subject to all terms and conditions of this Section and any additional conditions deemed necessary by the City to protect health, safety and welfare.
- (2) The City may revoke a permit for failure to comply with the provisions of the Ordinance or any of the permit's conditions. Prior to revoking the permit, the City shall provide the owner with written notice of such violation and provide the owner with 48 hours to become compliant with this ordinance.

**(D) Conditions of Permit for Urban Chickens**

- (1) No person may keep a rooster or crowing hen.
- (2) Chickens must be provided a secure and well-ventilated roofed structure (“Chicken Coop”). Any chicken coop and run fencing must be consistent with building and zoning codes.
- (3) No chicken coop or run shall be constructed on any lot prior to the time of construction of the principal structure.
- (4) Chicken coops and runs shall not be in the front or side yard. The chicken coop and run must be located in the rear yard.
- (5) Any chicken coop or run shall be set back at least 10 feet from the property line and 50 feet from the principle structure on any adjacent lots, as measured in all directions. Measurement shall be a straight line distance between the closest points on each structure.
- (6) The chicken coop must be built in such a manner that it is not considered a nuisance to the neighboring properties.
- (7) The chicken coop must be built tall enough to ensure proper cleaning of the structure.
- (8) The chicken coop must be fully enclosed, wind and weatherproof, and have sufficient windows for natural light.
- (9) The chicken coop must have a heat source for the winter months.
- (10) The chicken coop must be constructed with materials that will prevent rodent and predator access.
- (11) Any coop or run shall be screened from view with a solid fence or landscaped buffer with a minimum height of four (4) feet.
- (12) All chicken coops must have a minimum two (2) square feet per chicken and the coop must not exceed a total of thirty (30) square feet (by outside dimensions) and must be elevated with a clear open space of at least 18 inches between the ground and the floor or framing of the coop and must not exceed 6 feet in total height. The coop’s floor, foundation or footings must be constructed in such a manner as to make the coop rodent-resistant. Fenced-in chicken runs must be a minimum of three (3) square feet per chicken with a maximum of thirty (30) square feet and fencing must not exceed six (6) feet in total height. Chicken runs may be enclosed with wood and/or woven wire materials, and may allow chickens to contact the ground. Chicken runs must have a protective overhead netting or be constructed under the coop to keep the chickens separated from other animals. The run must be constructed in such a manner as to make the run rodent-resistant
- (13) Chickens must be secured in a chicken coop from sunset to sunrise each day.
- (14) Chicken grains and feed must be stored in rodent-proof containers inside a structure.
- (15) No person may keep more than six (6) hens at one time.

- (16) The sale of chicks is strictly prohibited.
- (17) The sale of eggs from the permitted residence is strictly prohibited.
- (18) Chicken fighting is prohibited. Chickens shall not be raised or kept for fighting.
- (19) The slaughtering of chickens inside the city limits is prohibited.
- (20) The raising of chickens for breeding purposes is prohibited.
- (21) No person may allow chickens to roam freely.
- (22) No person may keep chickens inside a house or attached garage.
- (23) Dead chickens must be disposed of within 24 hours of death. Dead chickens must be disposed of according to the Minnesota Board of Animal Health rules, acceptable forms of chicken carcass disposal may include off-site burial, off-site incineration or rendering, or off-site composting.
- (24) All premises on which the chickens are kept or maintained shall be kept clean from filth, garbage and any substances which will attract rodents. The roofed structure must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or cause odors detectible on another property.

**(E) Pens and Yards.** All chicken coops and chicken runs wherein chickens are kept or permitted to be shall be maintained in a clean and sanitary condition, devoid of all rodents and vermin, and free from objectionable odors. Such structures shall be maintained in good condition and shall be sufficient in strength and size to allow the particular chickens being kept to move about, but also able to prevent the escape of the chickens by climbing digging, chewing, manipulating of locks, gates or any other means if such restraint is necessary to prevent the creation of a nuisance. The City, upon complaint of any individual, shall inspect any such structure or premises and issue any such order as may be necessary to carry out the provisions hereof.

**(F) Conditions and Inspection.** No person who owns, controls, keeps, maintains or harbors hen chickens shall permit the premises where the hen chicken are kept to be or remain in an unhealthy, unsanitary or noxious condition or to permit the premises to be in such condition that noxious odors are carried to adjacent public or private property. Any chicken coop and chicken run authorized under this section may be inspected at any reasonable time by a City of Cannon Falls Police Officer or other agent of the City as designated by the City Council.

**(G) Public or Private Nuisance.** No person shall allow any chicken under his/her ownership or control to disturb the peace and quiet of the City or to otherwise become a public or private nuisance so as to annoy, injure, or endanger the health, safety, comfort, or repose of the public. Nor shall the owner of chickens maintain them in a manner so as to create a nuisance to owners of property adjacent to or in close proximity with the property on which said animal is located.

Factors to be considered in deciding whether the keeping of chickens creates a public or private nuisance include, but are not limited to, the following;

- The condition of any structure or building wherein any chicken and other fowl is kept.
- The proximity of pens, fences and other structures to adjacent property lines.
- The general nature and characteristics of neighborhood.
- The number of chickens kept on any one parcel.
- The relative size of the parcel on which the chickens are kept.
- The type of chickens being kept.
- The extent to which neighboring property is protected from the effects of said chickens, e.g., solid fences, landscape screening, buffer areas, etc.
- The presence of objectionable odors and or noise.
- The relative danger the chicken would pose if exposed to the general public.

**(H) Enforcement.** City of Cannon Falls Police Officers or other agent of the City as designated by the City Council shall enforce the provisions of this Section.

**(I) Impounding of Non-domesticated Animals, Chickens, and Other Fowl.** Any non-domesticated animal, including chickens and other fowl, running at large or kept in violation of this Ordinance may be impounded by the City, and after being so impounded for five (5) days or more without being reclaimed by the owner may be destroyed or sold. Any person reclaiming such impounded animal shall pay the costs of impounding and keeping the same.

**(I) Penalty for Non-Compliance.** Failure to comply with these conditions may result in the removal of all chickens from the premises to include the revocation of the permit allowing.

- (1) Violations of this section shall be subject to presumptive civil penalties as indicated in the matrix below. These penalties are presumed to be appropriate for every case; however, the Council may deviate in an individual case where the Council finds that there exist substantial reasons making it more appropriate to deviate. When deviating from these standards, the Council must provide written findings that support the penalty selected. Multiple violations occurring out of the same date shall be considered by the Council to determine if they will be considered to be one violation for civil penalty purposes or be considered as multiple violations, each processed according to the matrix.

Violations				
Type of violation	First	Second	Third	Fourth
94.33 D (1-23)	\$75	\$150	\$300	Revocation
Months within first violation	N/A	24	36	48

- (2) Violations of this section may also be subject to criminal penalties for violation of the City Code.

- (3) Council will determine if a permit shall be revoked provided that the permit holder(s) has been afforded an opportunity for a hearing in the manner.
- (4) Any person whose permit is revoked shall, within ten (10) days thereafter, humanly dispose of all chickens being owned, kept or harbored by such person.
- (5) 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.
- (6) Any person whom is subject to revocation of an urban chicken permit shall be ineligible for the issuance of a permit for twenty-four (24) months from compliance with the revocation of the permit.

**SECTION 4. Effective date.** This ordinance shall be effective immediately upon its passage and publication according to law.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2017 by the City Council of the City of Cannon Falls.

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Lyman M. Robinson, Mayor

Attest:

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Ronald S. Johnson, City Administrator

**CITY OF CANNON FALLS**  
**URBAN CHICKEN CONSIDERATION / INFORMATION SHEET**

CONSIDERATIONS BEFORE PURCHASE

Chickens can live up to 14 years or longer, which is longer than their egg laying production years.

Will you have sufficient time to clean the coop on a weekly basis?

Are you able to provide the birds with proper veterinary care and the vaccinations needed?

Chickens need to be tended to twice daily. Will you have a person ready to substitute for you when you have a reason to be absent?

THE RIGHT PLACE FOR THE COOP

Chickens require light, warmth, and shelter from wind and drafts. The coop should be constructed with a southern exposure for the front (including a window and door); this will provide some heat and light to the coop. To protect the coop from the winds; hedges; shrubs or bushes should be placed toward the northeast and western sections of the coop. Despite their love of warmth, chickens tolerate heat poorly, as they have no sweat glands to allow the perspiration. For summer heat you must provide access to shade.

- Space Requirements: If you plan to raise large breeds at least four (4) square feet will be needed for each bird. If the chickens will be confined to the coop for a great portion of the time they will need more room, allow ten (10) square feet for each bird.
- Nesting Box: Some kind of nesting box will be needed in the coop. Supply one nest for every four (4) hens at a minimum.
- Perches/Roots: Perches or Roosts will also be needed; a good rule of thumb is one per bird.
- The maximum number of chickens is six (6) birds, take needed space per bird into consideration, as the maximum size of the coop is thirty (30) square feet and the maximum size of the run is thirty (30) square feet.
- Heat: you might consider running electricity to your coop as it tends to get very cold in the winter, as chickens are prone to frostbitten combs and wattles, a few properly placed heat lamps, kept burning at night will keep chickens warm and may prevent their drinking water from freezing.
- Walls: Avoid building materials that permit absorption of moisture, as this will have a bad effect on the health of your chickens. Chemically treated wood is the most suitable building material for coops. Treatment of the wood should be done only with chemical compounds that are non-toxic to animals. A good compound with antifungal agents is good for humid areas. Clear varnish is also good. Everything should be treated or painted



before it is assembled. Wooden structures should be built with double walls that have a 1½ inches of an insulated layer between them.

- Roofing: The coop roof should be made of a material that will not collect and hold heat. The roof surface should be covered to protect from heavy rains. The roof should be slightly inclined, to allow water to run off and if it overhangs at the front wall it will protect from downpours. A few small openings along the eaves allow moisture to escape and provide fresh air.
- Floorings: The floor should be one that will not collect and hold moisture, is easy to clean, and that the chickens will not have trouble walking on. It is a good idea to throw litter on the floor wherever the chickens will be to absorb moisture and facilitate cleaning.

## CLEANING

How often the coop is cleaned depends on a lot of variables. If the chickens are kept inside ideally droppings should be removed every day, but not less than every 2 to 3 days. Perches/Roosts should get a quick wiping off at the same time. A major cleaning must be done twice annually: once in the spring and again in the fall. All of the litter must be removed and all parts and accessories washed, scrubbed and thoroughly disinfected and dried before returning the birds to the coop.

## MANURE

You need to have a plan on how you will dispose of the manure/feces. If the manure is stored onsite pending removal to either a compost or landfill, it needs to be in an air tight metal container like a metal garbage can. The reason the container should be metal is manure has the potential to generate heat which has the potential to combustion.

Manure should not be composted on-site due to the odor. The City does provide that it can be taken to the City Composting Site, where it is properly prepared to be used again. Placing raw manure directly on plants and gardens will result in damage to the plants and health concerns.

## FEEDING

It has been found that chickens, like people, need a variety of foods in order to remain healthy, and like people, suffer several nutritional disorders if certain things are missing for their diet. Prepared chicken feeds are designed to provide a perfectly balanced diet. Most prepared feeds contain such ingredients as meat and bone scraps, blood meal, bone meal, molasses, ground grains and grain meals. They also contain minerals and vitamins that chickens are known to need.

- Scratch: this is an old time favorite chicken feed and is a mixture of various whole grains and cracked corn. This feed goes over big with chickens but is not complete dietary ration. Scratch mixtures with a high proportion of corn is not recommended. Some corn is

fine, but as grains go, corn is lower in protein and higher in fat, and it tends to make the chickens obese.

- Grit: Chickens must have access to grit in order for their digestive system to function properly. Since chickens do not have teeth, the grinding function is performed by their gizzards. The Gizzards uses grit as a grinding agent; which may simply be pebbles and other small stones. The grit gradually gets ground up along with the grain so it must be continuously renewed.
- Greens: chickens love fresh greens, salad scraps, weeds and surplus or overripe fruit and vegetables from the garden. These are an important part of feeding program for a backyard flock. Not only will it help keep down your feed bill but it adds variety and needed vitamins and nutrients to their diet. When you feed scraps, sort out anything that has begun to rot as it might make the chickens sick.

### HOW MUCH AND HOW OFTEN TO FEED

Chickens won't eat more than they need, so should be allowed to eat as much as they want. Although feed should be continuously available, it is wise to feed them each day rather than put a lot of feed out every few days. Feeding troughs are more sanitary and economical than just throwing feed on the ground. Once a week you should clean out the feed troughs and dispose of any residue to help keep the feed fresh.

### WATER

Fresh water must be available to the chickens at all times. They must have clean water with their feed to be able to digest it properly. A chicken is more than 50 % water. A large chicken will drink from one to two cups of water a day, depending on the weather. Chickens cannot drink much at one time, so they must drink often. Puddles of stagnant water from rain or leaky waters are a breeding ground for harmful bacteria and other disease causing organisms, and also become contaminated by the chickens' excrement. Fresh water supply needs to be checked to make sure it is not contaminated.

### PREDATOR PROTECTION

You must provide protection from predators; raccoons, fox, mink and skunks all like chickens. Raccoons can open latches and reach through screens.

### SICK OR DEAD BIRDS

Chickens have the potential to spread disease so it is very important to report any sick or dead birds to the Minnesota Board of Animal Health at (320) 231-5179. Additional information can be found on their website: <https://www.bah.state.mn.us/poultry/#minnesota-poultry-testing-laboratory>

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 to 72 hours. The Minnesota Board of Animal Health determines the acceptable methods of chicken carcass disposal, so check with the Minnesota Board of Animal Health to determine the current methods or options. No on-site disposal of a dead bird is allowed or permitted.

## RESOURCES

### **City Code**

Section 94

### **Books**

You're Chickens: A kids Guide to Raising and Showing

Author: Gail Damerow

Raising Poultry the Modern Way

Author: Leonard S. Mercia

Living with Chickens

Author: Jay Rossier

Keeping Chickens! Tending Small Flocks in Cities, Suburbs and Other Small Spaces

Author: Barbara Kilarski

Raising Poultry Magazine

[Backyardpoultrymag.com](http://Backyardpoultrymag.com)

### **Internet Sources**

[www.albc-usa.org](http://www.albc-usa.org) The American Livestock Breeds conservancy provides information on heritage breeds of poultry

[www.featherside.com](http://www.featherside.com) A great place to research all breeds of poultry

<http://minnesota.publicradio.org/display/web/2007/06/18chickencoops/?rsource=1> MPR story on Urban Chickens in the Twin Cities

<b>For City Use Only</b>		Permit #
Application/site plan review	\$ 5 – First Year only, unless revoked	PID#
Permit Fee:	\$ 5 – per chicken	Total Paid: \$

## CHICKEN PERMIT IN RESIDENTIAL DISTRICTS

### City of Cannon Falls

Incomplete applications will not be accepted. The information contained in this application becomes part of the City of Cannon Falls records upon receipt and is therefore accessible to the public. All permits issued shall be valid only on the premises for which the permit is issued. No transfer of any permit to another location or person shall be valid.

Urban Chickens are allowed only by permit as provided by Section 94.3 at an owner-occupied single family dwelling property located within a residential district that allows single family dwellings as permitted use.

***Chicken permits shall be issued for duration of calendar year initially, and annual renewal (January 1 – December 31) thereafter, unless revoked.***

1. Applicant Name: \_\_\_\_\_ Phone: \_\_\_\_\_
2. Address or e-mail where you may be contacted: \_\_\_\_\_
3. Property Address Chickens will be at: \_\_\_\_\_
4. Number of Chickens to be kept on Premise (Maximum 6): \_\_\_\_\_
5. Application is a *(please check one)* \_\_\_\_\_ NEW \_\_\_\_\_ RENEWAL
6. If this is a NEW application, attach a scaled drawing which shows the location of the chicken coop and chicken run on the property and provide a description of the primary enclosure in which the chickens are proposed to be kept. \_\_\_\_\_  
\_\_\_\_\_
7. Dimensions of chicken coop (length, width, height): \_\_\_\_\_  
Dimensions of chicken run (length, width, height): \_\_\_\_\_  
Description of exterior material for the coop and run: \_\_\_\_\_  
Do you plan to (circle one):      Build your own coop/run      or      Purchase a retail coop/run
8. If this is a NEW application, describe the methods which will be used to: dispose of waste and maintain the premises in a clean and healthy condition (plan can be attached). \_\_\_\_\_  
\_\_\_\_\_
9. If this is a RENEWAL application, have you changed the primary enclosure for the chickens or total number from what was shown on your original application? YES \_\_\_ or NO \_\_\_  
If yes, attach detailed answers or plans for questions 5 – 7 and explain the changes.

Data Practices Rights Advisory:

As an applicant for a Chicken Permit from the City of Cannon Falls, you are being asked to provide information about yourself and your chickens which will be used by City Staff and City Council. The purpose of this request for information is to meet the standards set forth by City Code and allows City Staff and City Council to reasonably regulate chickens and to provide public health, safety and general welfare for the City of Cannon Falls. If you choose not to provide all or parts of the data requested, it may diminish the possibility of the City appropriately evaluating the application and may delay in issuing of the permit. The data you provide is defined by Minnesota State Statute 13.41 (Minnesota Government Data Practices Act) as Licensing Data. While in other settings the data requested may be classified as "private" or "confidential", Subdivision 4 makes application data for licenses "Public". Your original application and data supplied, and record of the action taken regarding your application by the City will be placed on file at the City. This information may be subject to review in accordance with the provisions governing Public Data set forth by the Minnesota Government Data Practices Act.

**I have read and understand the Data Practices Rights Advisory and I solemnly swear the forgoing statements in this application are true and correct to the best of my knowledge. I further certify in submitting this application, I hereby agree to comply with the regulations imposed by the Cannon Falls City Codes, including Section 94 on animals and 97 on Nuisances, and Minnesota Statutes. I understand failure to obey such conditions will constitute a violation of the provisions of these sections and grounds for cancellation of the permit. I understand that is is not a permit; but an application for a permit. I further agree that if a permit is issued to allow inspection of premises by any Code Official or Peace Officer during the term of said permit.**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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**For City Use Only**

Application and site plan reviewed and approved by:

Approved By: \_\_\_\_\_

Date: \_\_\_\_\_

Permit approved and site inspected by:

Approved By: \_\_\_\_\_

Date: \_\_\_\_\_