

**TO:** Mayor Robinson and City Council

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

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

**DATE:** March 13, 2017

**BACKGROUND**

The First reading occurred at the March 7, 2017 City Council Meeting. 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.

**REQUESTED COUNCIL ACTION**

Motion and approval of second 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 21<sup>st</sup> day of March, 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  
GOODHUE COUNTY, MINNESOTA**

**SUMMARY ORDINANCE NO. 350**

**AN ORDINANCE AMENDING CHAPTER 94 OF THE CANNON FALLS  
CITY CODE CONCERNING CHICKENS**

The ordinance adopts a definition of “urban chicken”, provides that up to six urban chickens may be kept on a site in the City with a permit issued by the City subject to specified terms and conditions. The ordinance provides penalties for its violation.

A printed copy of the entire ordinance is available for inspection by any person during the City Administrator’s regular office hours.

Approved for publication by the City Council of the City of Cannon Falls, Minnesota this 21<sup>st</sup> day of March, 2017.

CITY OF CANNON FALLS

BY: \_\_\_\_\_  
Lyman M. Robinson, Mayor

ATTEST:

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Ronald S. Johnson, City Administrator