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ORDINANCE NO. 07182011

**AN ORDINANCE AUTHORIZING THE KEEPING OF CHICKENS WITHIN THE CITY OF NEWFOLDEN, MINNESOTA**

The City Council of the City of Newfolden ordains as follows:

**Section 1. Purpose.**

The purpose of this Ordinance is to provide standards for the keeping of domesticated chickens. It is intended to enable residents to keep a small number of chickens on a noncommercial basis while creating standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.

**Section 2. Definitions.**

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“CHICKEN” means a female chicken or hen

“ROOSTER” means a male chicken

“BROODING PERIOD” means the stage of life between hatch and adulthood. Usually lasts to the first ten weeks of life.

“AT LARGE” means a chicken or rooster is out of its run, off the premises or not under the custody and control of the owner.

“CHICKEN COOP” means a structure for housing chickens made of wood or other similar materials that provides shelter from the elements.

“CHICKEN RUN” means an enclosed outside yard for keeping chickens/rooster.

“PERSON” means the resident, property owner, custodian or keeper of any chicken/rooster.

“PREMISES” means any platted lot or group of contiguous lots, parcels or tracts of land and is located within the City.

**Section 3. Permit required.**

(a) An annual permit is required for the keeping of any domesticated chickens. The annual permit is personal to the permittee and may not be assigned.

(b) The fee for an annual permit to keep chickens is ten dollars (\$10.00). The fee for a renewal of an annual permit shall be ten dollars (\$10.00).

(c) An applicant for a permit to keep chickens must demonstrate compliance with the criteria and standards in this Ordinance in order to obtain a permit.

(d) The application for a permit shall be submitted to the City Administrator or his/her designee.

(e) The necessary permit application may be obtained from the City Administrator’s office. Included with the completed application must be a scaled diagram that indicates the location of any chicken coop or run, and the approximate distance from adjoining structures and property lines, the number and species of chickens to be maintained on the premises, and a statement that the applicant/permittee will at all times keep the chickens in accordance with this ordinance, or modification thereof, and failure to obey such conditions will

constitute a violation of the provisions of this section and grounds for cancellation of the permit.

(f) Permits shall expire June 30<sup>th</sup> annually.

(g) No permits shall be issued for an incomplete application.

(h) No permits shall be issued for the keeping of chickens on any rental premises.

(i) *Refusal to Grant or Renew Permit.* The Newfolden City Council may refuse to grant or renew a permit to keep or maintain chickens for failure to comply with the provisions of this ordinance, submitting an incomplete or inaccurate application, if the conditions of the permit are not met, if a nuisance condition is created, or if the public health and safety would be unreasonably endangered by granting or renewing of such permit.

(j) *Permit Revocation.* A permit may be revoked without reimbursement of any fee for:

a. Misrepresentations on an application;

b. Violation of the provisions of this ordinance or other City of Newfolden regulations, and failure to correct said violation upon re-inspection.

c. Where there is a risk to public health or safety

Any revocation or suspension pursuant to this section may be appealed to the City Council by filing a notice thereof with the City Administrator within ten (10) days of such revocation or suspension.

#### **Section 4. Number and type of chickens allowed.**

(a) The maximum number of adult chickens allowed is eight (8) per lot regardless of how many dwelling units are on the lot. In the case of residential condominium buildings without individually-owned back yards, the maximum number of adult chickens allowed is eight (8) per each such building. This maximum number of adult chickens allowed will be enforced only after the brooding period.

(b) There is no restriction on chicken species.

(c) One rooster shall be allowed per permit and is subject to the City Noise and Public Nuisance Ordinance

#### **Section 5. Non-commercial use only.**

(a) Chickens shall be kept for personal use only; no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes.

(b) The slaughter of chickens for consumption shall not be performed out-of-doors.

#### **Section 6. Enclosures.**

(a) Chickens must be kept in an enclosure, chicken coop, or chicken run at all times during daylight hours. Enclosures must be clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact. The chicken coop and chicken run must provide adequate sun and shade. Measures shall be taken to make the coop and run impermeable to rodents, wild birds, and predators, including dogs and cats.

(b) The use of scrap, waste board, sheet metal, or similar materials is prohibited. The henhouse must be well-maintained.

(c) Henhouses, coops, and chicken runs shall be kept no less than twenty (20) feet from all property lines. This requirement may be reduced to five (5) feet from a property line with written approval from the neighboring property owner. Such written approval must be granted no greater than thirty (30) days prior to submittal of an application under this Ordinance. Chicken coops shall not exceed thirty (30) square feet in size.

(e) Henhouses, coops, and chicken runs shall only be located in rear yards if a primary residence exists on the property. For a corner lot or other property where no rear yard exists, these facilities shall not be located any closer to a public street than the primary residence. Chicken coops or Henhouses are not allowed to be located in any part of a home.

**Section 7. Odor and noise impacts.**

(a) Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.

(b) Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

**Section 8. Predators, rodents, insects, and parasites.**

The property owner and/or chicken owner shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites that may result in unhealthy conditions to human habitation. Such conditions may facilitate removal by the City, through the animal control officer, or any other designee, and the cost of the same shall be borne by the property owner and/or chicken owner.

**Section 9. Feed and water.**

Chickens must be provided with access to feed and clean water at all times; such feed and water shall be unavailable and inaccessible to rodents, wild birds and predators.

**Section 10. Waste storage and removal.**

Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed container or compost bin. No more than one, twenty (20) gallon container of manure shall be stored on any one property housing chickens. All other manure shall be removed. In addition, the henhouse, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

**Section 11. Violation.**

Each violation of this ordinance shall be subject to a \$25.00 fine; each day a violation continues shall constitute a separate offense. The city shall retain the right to inspect any property to determine whether a violation has been corrected.

**Section 12. Enforcement**

Any violation of this ordinance may be enforceable by injunction or other action available at law.

**Section 13. Removal of chickens**

In addition to the penalty stated in Section 12, any violation of the provisions of this Ordinance shall be grounds for an order from the city to remove the chickens and the chicken-related structures. The health officer or animal control officer may order the removal of the chickens upon a determination that the chickens pose a health risk. If a chicken dies, it must be disposed of promptly in a sanitary manner.

**Section 14. Reparability**

In the event that any section, subsection or portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.