



The City That Soars!

REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date	May 28, 2013
Agenda Item	1
Title	Chicken Ordinance
Submitted By	Deborah Jones, Staff Liaison

Description	The Falcon Heights Environment Commission recommends adoption of an ordinance allowing and regulating the keeping of a limited number of hens in residential neighborhoods of Falcon Heights.
Background	<p>In 2012 the Falcon Heights Environment Commission took up the topic of back yard chickens under the principle that growing food locally is a good sustainability practice. Commissioners met with Bill Stephenson of St. Paul's Animal Control department, which manages that city's chicken permits and inspections, and with Jane McHattie, a St. Paul resident who keeps chickens. Commissioners studied chicken ordinances from Stillwater, Maplewood, Minneapolis, Eagan and other cities. Commissioners used these codes as models to craft an ordinance for Falcon Heights, drafted by the City Attorney, which was presented to the City Council at their workshop on March 6.</p> <p>The proposed ordinance would add Article IV to Chapter 10 Animals, providing conditions under which residents may keep up to four hens in their back yards, by permit. The ordinance would amend the Zoning Code, Chapter 113, Sections 113-174(d) and 113-181(d)(1) to allow as an accessory use for single family and two-family homes the keeping of chickens as regulated by Chapter 10, Article IV.</p> <p>A majority of the Council favoring adoption, the proposed ordinance was sent to the Planning Commission. As the proposed ordinance amends the Zoning Code of the City, State Statute requires a public hearing and a recommendation by the Planning Commission.</p> <p>At the request of Mayor Lindstrom a straw poll was set up on the website to survey citizens on this matter. At 3:00 p.m. on May 23, the poll stood at 129 in favor of chickens; 58 opposed. The poll allows only one vote per computer.</p>
Budget Impact	Unknown
Attachment(s)	<ul style="list-style-type: none"> • Draft ordinance allowing and regulating the keeping of chickens • Map of the Metro area showing chicken ordinance status in cities • Spreadsheet of city ordinances
Action(s) Requested	<ul style="list-style-type: none"> • Hold a public hearing on the proposed ordinance. • Discuss the proposed ordinance and make a recommendation to the City Council.

ORDINANCE NO. ____

**CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTERS 10 AND 113
OF THE FALCON HEIGHTS CITY CODE
CONCERNING CHICKENS**

THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

SECTION 1. Chapter 10 of the Falcon Heights City Code is amended by adding Article IV to read as follows:

ARTICLE IV. CHICKENS

10-34 *Keeping of chickens.*

A. Any person who keeps chickens in the City must obtain a permit prior to acquiring the chickens. Chickens may only be kept in zoning districts where chickens are an allowed accessory use. The initial permit is valid for up to two (2) years beginning on the date the chickens arrive on the site and ending on December 31 of the following year. Subsequent permits are valid from January 1 of one year to December 31 of the second year. Applications for permits must be made to the Zoning and Planning Director.

- (1) Fees charged for the issuance of a permit to keep chickens will be set by the City Council.
- (2) If the permit applicant is not the fee owner of the premises on which the chickens are sought to be kept and for which the permit would apply, the application shall be signed by all fee owners of the premises.
- (3) The City may refuse to grant or may revoke a permit if the chickens become a nuisance, as evidenced by a second substantiated violation (within 12 months of a first substantiated violation) of this Section of the City Code, or Chapter 22 of the City Code.
- (4) The City may refuse to grant a permit to, or may revoke a permit from, a person convicted of cruelty to animals.

- (5) Permits are non-transferable and do not run with the land.
- (6) A permit is a license granted to the chicken keeper by the City and does not create a vested zoning right.
- (7) Prior to issuance of a permit, the prospective permit holder must acknowledge they have read the chicken run educational material provided by the City.
- (8) Prior to issuance of a permit, the prospective permit holder must provide a detailed sketch plan of the premises on which chickens are sought to be kept, including the location, the dimensions and design of the coop and run, establishing compliance with the chicken coop and run specifications provided in this Article.
- (9) Prior to issuance of a permit, the prospective permit holder must provide a plan for maintaining an adequate temperature in the coop for the safety of the chicken hens. The plan must address both extreme winter and summer temperature conditions.
- (10) The permit application will be processed administratively. It will not be referred to the City Council for consideration.

10-35 Each person holding a permit to keep chickens within the City must comply with the following:

- (1) The principal use of the specific property must be either single-family residential or two-family residential. A permit will not be issued for any property which is used principally for something other than single-family or two-family. If the property's principal use is two-family residential, then the property owner must sign the permit in addition to the chicken keeper;
- (2) No person may keep more than four (4) chickens;
- (3) No person may keep a rooster;
- (4) No person may allow chickens to range freely without fencing or without a mobile pen;
- (5) No person may keep any chickens inside a house or garage;
- (6) No person may slaughter any chickens within the City;

- (7) Chickens must be provided a secure and well ventilated roofed structure ("chicken coop");
- (8) The roofed structure for the chickens may only be located in a rear yard and must meet setback and building separations as established in City zoning and building codes, except that the roofed structure and fencing must maintain a 20-foot separation from dwellings on adjacent properties;
- (9) The roofed structure shall be fully enclosed, wind proof, and have sufficient windows for natural light;
- (10) All premises on which hens are kept or maintained shall be kept clean from filth, garbage, and any substance which attracts rodents. The coop and its surrounding must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors to be detected on another property. Failure to comply with these conditions may result in removal of chickens from the premises or revocation of a chicken permit.
- (11) Chickens must be kept in the roofed structure, an attached pen, or a detached mobile pen whenever they are unattended by the keeper; but when attended by the keeper, the chickens are allowed in a completely fenced exercise yard;
- (12) The coop's attached pen must be securely constructed with at least a mesh type material and shall have protective overhead netting to keep the chickens separated from other animals;
- (13) The coop's attached pen must be well drained so there is no accumulation of moisture; and
- (14) The floor area of the roofed structure or a combination of the floor area and attached pen area must equal at least ten (10) square feet of area per chicken.
- (15) All grain and food stored for the use of the hens on a premises with a chicken permit shall be kept in a rodent proof container.
- (16) Leg bandings are required on all chickens. The bands must identify the owner and the owner's address and telephone number.

SECTION 2. Section 113-174(d) of the Falcon Heights City Code is amended by adding subsection (13) to read as follows:

(13) Keeping of chickens as regulated by the Code.

SECTION 3. Section 113-181(d)(1) of the Falcon Heights City Code is amended to read as follows:

(13) All accessory uses as permitted in the R-1 and R-2 Districts except that the keeping of chickens, as regulated by the Code, is only allowed as accessory to a single-family or two-family home.

SECTION 4. This ordinance is effective immediately upon its passage and publication.

ADOPTED this _____ day of _____, 2013, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY: _____
Peter Lindstrom, Mayor

ATTEST:

Bart Fischer, City Administrator/Clerk

Chicken Laws for Minnesota Cities : Sheet1

CITY	CHICKENS ALLOWED	INFO		accessory building
Eagan	NO			
Oakdale	YES-with permit	http://oakdale.govoffice2.com/vertical/Sites/%7B9D2ABE6F-4847-		
Mounds View	NO	http://www.ci.mounds-view.mn.us/vertical/Sites/%7B9DABC450-8		
Little Canada	NO	http://www.ci.little-canada.mn.us/vertical/Sites/%7BE80504CE-3D9E-4F5B-8199-A5A488B9A257%7D/uploads/%7B30DF8DD9-62C0-48BE-BA01-C18D4804C1F6%7D.PDF	Recently banned every possibility of farm animals in city limits	
Apple Valley	NO			
Cottage Grove	YES-but w/ 1 1/2 acres	http://www.sterlingcodifiers.com/codebook/index.php?book_id=50		
West St. Paul	YES_w/permit & feet restr. only 2 under 5 acres	http://www.ci.west-saint-paul.mn.us/index.asp?Type=B_LIST&SEC={5AB2A4C2-6052-4911-AF1B-3C51575DB80A}#{D1265D7C-C172-4CA3-9CC6-CFC4F97B81C4}		
St. Paul	YES_w/permit & feet restr.			
Montrose	YES	http://www.montrose-mn.com/assets/files/docs/ZoningOrds/1022,1		
Anoka	YES-up to four	http://www.anoka.govoffice2.com/vertical/Sites/%7B213A9A90-C		
Ramsey	YES_with 3 acres			
Otsego	YES_with license	http://www.ci.otsego.mn.us/vertical/Sites/%7B2D2448C9-1D69-4E		
Maplewood	YES-Approved July 11th, 2011	http://www.ci.maplewood.mn.us/DocumentView.aspx?DID=2035		
St. Michael	NO-in Residential under 4 acres	http://www.amlegal.com/nxt/gateway.dll/Minnesota/smichael/cityof		
Ham Lake	NO, only in R-A rural agriculture with 5 acres	http://www.ci.ham-lake.mn.us/docs/article05.pdf		
Dayton	YES-with CUP in R-2	http://www.amlegal.com/nxt/gateway.dll/Minnesota/dayton_mn/da	http://www.cityofdaytonmn	http://www
Andover	YES_with restrictions	http://files.andovermn.net/pdfs/Clerk/CityCode/TITLE_12_Zoning	http://www	http://www
Champlin	NO	http://library1.municode.com/default-now/home.htm?infobase=14283&doc_action=whatsnew		
Blaine	NO	Domestic farm animals, including cattle, horses, sheep, goats and chickens are only permitted in Agricultural (AG) and Farm Residential (FR) zoning districts		
Roseville	YES	http://www.cityofroseville.com/index.aspx?NID=1677		
Brooklyn Park	NO	http://www.amlegal.com/nxt/gateway.dll/Minnesota/brooklyn/brook		
Fridley	YES-just passed	http://www.ci.fridley.mn.us/images/article-files/citycode/100%20Health,%20Safety%20and%20Welfare/Ch_101_Animal_Control.pdf	http://fridley.patch.com/article-council-oks-backyard-chickens#photo-5798490	
Plymouth	NO-only in FRD future restricted development	http://plymouthmn.gov/Modules/ShowDocument.aspx?documentid=754		
Brooklyn Park	NO	http://www.amlegal.com/nxt/gateway.dll/Minnesota/brooklyn/brook		
Minnetonka	Yes-1 per .10 acres	http://www.amlegal.com/nxt/gateway.dll/Minnesota/minneton/cityof		
Maple Grove	NO- at least 1 acre	http://library.municode.com/index.aspx?clientid=13556&statelid=23&stateName=Minnesota		
Shorewood	MAYBE-no laws against?			
Vadnais Heights	1 acre required	http://www.cityvadnaisheights.com/Government/City-Code/Zoning-Code.aspx		
New Brighton	No rules?	Thank you for your question in regards to backyard chickens. New Brighton ordinance currently does not address chickens. There is a nuisance code which may address many concerns if someone had chickens and didn't take care of them but it is not specifically addressed at this time. If someone keeps chickens they would be required to ensure they don't become a nuisance because of odor or noise. Let me know if you have any other questions.		
Lexington	NO			
Burnsville	YES	http://www.sterlingcodifiers.com/codebook/index.php?book_id=468		
Richfield	YES-up to three in residential zoning	http://www.cityofrichfield.org/Residents/Codes/docs/ch09.pdf		
Saint Paul Park	YES	http://www.stpaulpark.govoffice.com/vertical/Sites/%7B917EB38B-D67A-4E8B-9D54-1241156F27C8%7D/uploads/%7B30F853F7-2F51-46FE-9884-9CB6FBAAD5ED%7D.PDF		
Newport	YES	http://www.ci.newport.mn.us/documents/Chapter6Animals.pdf		
Mounds View	NO	http://www.ci.mounds-view.mn.us/vertical/Sites/%7B9DABC450-86B3-4304-946D-6016EF70E9E3%7D/uploads/%7B226EF007-3579-4362-BD2A-3CC9A0EC8557%7D.PDF		
North Saint Paul	NO	§ 95.24 EXOTIC PETS/NON-DOMESTIC ANIMALS. No person shall harbor any exotic or non- domestic pets, nor build, maintain or use a structure for the keeping of such animals within the city limits.		
Bloomington	YES	http://www.ci.bloomington.mn.us/code/index.php/o/page/p/1119		
Robbinsdale	YES-with permit	http://www.ci.robbinsdale.mn.us/Download/City%20Code/Chapter%209.pdf		
Saint Anthony	NO-Not closer than 500 ft of any building or property	http://www.ci.saint-anthony.mn.us/vertical/Sites/%7B5ED4AFB9-D450-4F68-BA29-2600D3C2A620%7D/uploads/%7BED535969-1E1F-4A2F-BE7B-6B456E2C9227%7D.PDF		
Falcon Heights	No law against?			
Columbia Heights	No law against?			