

WHEREAS, the City of Rushford has been approached by residents to allow for the raising of chickens for egg and meat sources on private property, and

WHEREAS, there are no State laws that address urban chickens or keeping of chickens in cities, and

WHEREAS, the City wishes to regulate the small-scale keeping of chickens by residents as it is very different than a business of the same nature, and

WHEREAS, the City wishes to provide for the keeping of urban chickens in a manner that is not a nuisance or detriment to the public health safety and welfare of the community,

NOW, THEREFORE, the following Ordinance will serve to provide regulations for the issuance of permits for the keeping of chickens within the City of Rushford in certain zoned areas, under certain circumstances, and repeal inconsistent sections of animal control ordinances relating to chickens.

CHAPTER 91: URBAN CHICKENS

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AN ORDINANCE RELATING TO THE KEEPING OF ANIMALS IN THE CITY OF RUSHFORD, PROVIDING FOR THE KEEPING OF CHICKENS IN AREAS ZONED R1, R2, R3, PUD AND AG DISTRICTS, UNDER CERTAIN CIRCUMSTANCES, AND AMENDING SECTIONS OF THE ANIMAL CONTROL ORDINANCE SPECIFIC TO CHICKENS

THE CITY OF RUSHFORD ORDAINS:

SECTION 95.01. DEFINITIONS

- Brooding means the period of chicken growth when supplemental heat must be provided, due to the bird's inability to generate enough body heat.
- Chicken means a domesticated bird that serves as a source of eggs or meat.
- Coop means the structure for the keeping or housing of chickens permitted by the ordinance.
- Exercise yard means a larger fenced area that provides space for exercise and foraging for the birds when supervised.

- Hen means a female chicken.
- Officer means any person designated by the city as an enforcement officer.
- Poultry means domesticated birds that serve as a source of eggs or meat and that include among commercially important kinds, chickens, turkeys, ducks, geese, peafowl, pigeons, pheasants and others.
- Rooster means a male chicken.
- Run means a fully enclosed and covered area attached to a coop where the chickens can roam unsupervised.

SECTION 95.02. PURPOSE

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 to permit the keeping and maintenance of chicken hens for egg 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, the keeping of other poultry is prohibited.

SECTION 95.03. INVESTIGATION & ENFORCEMENT

Officers designated by the City Council shall have authority in the investigation and enforcement of this ordinance, and no person shall interfere with, hinder or molest any such officer in the exercise of such powers. The officer shall make investigations as is necessary and may grant, deny, or refuse to renew any application for permit, or terminate an existing permit under this article.

Limitations for each single dwelling residential unit:

(A) No more than five (5) chicken hens shall be housed or kept on any one (1) residential lot in any area of the city zoned R1, R2, R3, PUD, AG with a permit as outlined below.

(B) Roosters are prohibited.

(C) Slaughtering of chickens in the City limits is prohibited except at a licensed processing facility.

(D) Leg banding of all chickens is required. The bands must identify the owner and the owner’s address and telephone number.

(E) A separate coop is required to house the chickens. Coops must be constructed and maintained to meet the following minimum standards:

- (1) Located in the rear or side yard.
- (2) Setback at least five (5) feet from the rear or side property lines.
- (3) Interior floor space – four (4) square feet per bird.
- (4) Interior height –four (4) to six (6) feet to allow access for cleaning and maintenance.
- (5) Doors – one (1) standard door to allow humans to access the coop and one (1) for birds (if above ground level, must also provide a stable ramp).
- (6) Windows – one (1) square foot window per ten (10) square feet floor space. Windows must be able to open for ventilation.
- (7) Climate control – adequate ventilation and/or insulation to maintain the coop temperature between 32 – 85 degrees Fahrenheit.
- (8) Nest boxes – one (1) box per every three (3) hens.

(9) Roosts – one and one-half (1 1/2) inch diameter or greater, located eighteen (18) inches from the wall and two (2) to three (3) inches above the floor.

(10) Rodent proof – coop construction and materials must be adequate to prevent access by rodents.

(11) Coops shall be constructed and maintained in a workmanlike manner.

(F) A run or exercise yard is required.

(1) Runs must be constructed and maintained to meet the following minimum standards:

(a) Location: rear or side yard.

(b) Size: Ten (10) square feet per bird, if access to a fenced exercise yard is also available; sixteen (16) square feet per bird, if access to an exercise yard is not available. If the coop is elevated two (2) feet so the hens can access the space beneath, that area may count as a portion of the minimum run footprint.

(c) Height: Four (4) to Six (6) feet in height to allow access for cleaning and maintenance.

(d) Gate: One gate to allow human access to the run.

(e) Cover: Adequate to keep hens in and predators out.

(f) Substrate: Composed of material that can be easily raked or regularly replace to reduce odor and flies.

(2) Exercise yards must be fenced and is required if the run does not provide at least (16) sixteen square feet per bird. Exercise yards must provide a minimum of one-hundred seventy-four (174) square feet per chicken.

(G) Chickens must not be housed in a residential house or an attached or detached garage, except for brooding purposes only.

(H) All premises on which chicken hens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract 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 detectible on another property. Failure to comply with these conditions may result in the officer removing chickens from the premises or revoking a chicken permit.

(I) All grain and food stored for the use of the hens on a premise with a chicken permit shall be kept in a rodent proof container.

(J) Chicken Hens shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent property.

(K) 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 forty-eight (48) to seventy-two (72) hours. Legal forms of chicken carcass disposal include offsite burial, offsite incineration or rendering, or offsite composting.

SECTION 95.04. PERMIT REQUIRED

No person shall own, keep, harbor or have custody of any live chicken without first obtaining a permit in writing from the City.

The City shall grant a permit for chicken hens after the applicant has sought the written consent of one hundred (100) percent of the owners or occupants of privately or publicly owned real estate that are located adjacent (i.e., sharing property lines) on the outer boundaries of the premises for which the permit is being requested, or in the alternative, proof that the applicant's property lines are one hundred fifty (150) feet or more from any house.

Where an adjacent property consists of a multiple dwelling or multi-tenant property, the applicant need obtain only the written consent of the owner or manager, or other person in charge of the building. Such written consent shall be required on the initial application and as often thereafter as the officer deems necessary.

SECTION 95.05. APPLICATION

Any person desiring a permit required under the provisions of this article shall make written application to the city clerk upon a form prescribed by and containing such information as required by the city clerk and officer. Among other things, the application shall contain the following information:

- (A) A description of the real property upon which it is desired to keep the chickens.
- (B) The breed and number of chickens to be maintained on the premises.
- (C) A site plan of the property showing the location and size of the proposed chicken coop and run, setbacks from the chicken coop to property lines and surrounding buildings (including houses and buildings on adjacent lots), and the location, style, and height of fencing proposed to contain the chickens in a run or exercise area. Portable coops and cages are allowed, but portable locations must be included with the site plan.
- (D) Statements that the applicant will at all times keep the chickens in accordance with all of the conditions prescribed by the officer, or modification thereof, and that failure to obey such conditions will constitute a violation of the provisions of this chapter and grounds for cancellation of the permit.
- (E) Such other and further information as may be required by the officer.

SECTION 95.06. PERMIT CONDITIONS

- (A) If granted, the permit shall be issued by the city clerk and officer and shall state the conditions, if any, imposed upon the permitted for the keeping of chickens under this permit.
- (B) The permit shall specify the restrictions, limitations, conditions and prohibitions which the officer deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to protect the public health and safety. Such permit may be modified from time to time or revoked by the officer for failure to conform to such restrictions, limitations, prohibitions. Such modification or revocation shall be effective after ten (10) days following the mailing of written notice thereof by certified mail to the person or persons keeping or maintain such chickens.
- (C) The granting of a permit under this ordinance does not entitle the permit holder to any other rights as may be granted to farmers or commercial entities relating to equipment used in the course of conducting animal husbandry business.

SECTION 95.07. FEES/ISSUANCE

For each residential site the fee for a permit is as may be imposed, set, established and fixed by the City Council, by resolution, from time to time.

SECTION 95.08. TERM

The permit period under this section shall expire one (1) year from the date the permit is issued. Permits must be renewed on an annual basis.

SECTION 95.09. REVOCATION

The city may revoke any permit issued under this ordinance if the person holding the permit refuses or fails to comply with this ordinance, with any regulations promulgated by the city council pursuant to this ordinance, or with any state or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within ten (10) days thereafter, humanely dispose of all chickens being owned, kept or harbored by such person, and no part of the permit fee shall be refunded.

SECTION 95.10. VIOLATIONS/PENALTY

(A) Any person violating any of the sections of this ordinance shall be deemed guilty of a petty misdemeanor.

(B) If any person is found guilty by a court for violation of this section, their permit to own, keep, harbor, or have custody of chickens shall be deemed automatically revoked and no new permit may be issued for a period of one (1) year.

(C) 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 including but not limited to the pickup and impounding of chickens.

SECTION 95.11. SEVERABILITY & 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 95.12. ADOPTION

This ordinance shall be in full force and effect from and after its passage and publication, as provided by law.

Adopted by the Rushford City Council this 14th day of May, 2012.



Mayor Chris Hallum

Attest:



Kathy Zacher, City Clerk/Treas.

Published in Tri-County Record on May 17, 2012.

RESIDENTIAL CHICKEN PERMIT APPLICATION

APPLICANT NAME _____ PHONE # _____

PERMIT SITE ADDRESS _____

NUMBER OF CHICKENS AT THIS ADDRESS _____ ZONING DISTRICT _____

Permit Requirements

Applicant must submit a written description and a detailed plan showing the size and placement of the chicken coop, run and exercise yard. The following are the requirements for issuance of a permit:

1. Located in zoning districts R1, R2, R3, PUD or AG
2. No more than five (5) hens.
3. Roosters are prohibited.
4. Neighbor consent is required. Written consent of one hundred (100) percent of the owners of property located adjacent to the applicant's property, OR
5. Proof that the applicant's property lines are one hundred fifty (150) feet or more from any house. Refer to neighbor consent form attached.
6. Leg banding of all chickens is required. If a chicken permit is approved, the City will supply you with bands to identify the owner in the event of stray chickens.
7. Submit a site plan showing the location of the property lines, house, garage, chicken coop, chicken run and/or fence where applicable. The site plan should include setbacks proposed from the chicken coop/run to the property lines.
8. Submit detailed plans showing the size and specifications of the chicken coop, chicken run, and exercise yard with the following requirements:
 - a. Chicken coop
 - 1) Located in the rear or side yard
 - 2) Setback at least five (5) feet from the rear or side property lines
 - 3) Interior floor space must allow for four (4) square feet per chicken
 - 4) Interior height must be four (4) to six (6) feet to allow access for cleaning and maintenance
 - 5) One (1) door to allow humans to access the coop and one (1) for chickens (if above ground level)
 - 6) One (1) square foot window per ten (10) square feet of floor space. Windows must be able to open for ventilation
 - 7) One (1) nest box per every three (3) chickens
 - 8) One and one-half (1½) inch diameter or greater roost, located eighteen (18) inches from the wall and two (2) to three (3) inches above the floor
 - b. Chicken run (required unless an exercise yard is provided as outlined in 6.c. below)
 - 1) Located in the rear or side yard
 - 2) Ten (10) square feet per chicken if access to a fenced exercise yard is also available or sixteen (16) square feet per chicken if access to an exercise yard is not available. If the coop is elevated two (2) feet so the chickens can access the space beneath, that area may count as a portion of the minimum run footprint.
 - 3) Four (4) to six (6) feet in height to allow access for cleaning and maintenance
 - 4) One (1) gate to allow human access to the run
 - 5) Adequate to keep hens in and predators out
 - 6) Substrate must be composed of material that can be easily raked or regularly replaced to reduce odor and flies
 - c. Exercise yard (required unless a chicken run is provided as outlined in 6.b. above):
 - 1) Must be fenced
 - 2) Must provide a minimum of one-hundred seventy-four (174) square feet per chicken
9. If the above requirements are not complied with, the City may revoke any permit granted under this ordinance and/or initiate prosecution for an ordinance violation.

Signature of Applicant _____
(Sign full name) (Date)

Neighborhood Approval for Issuance of a Chicken Permit

Rushford City Ordinance allows the keeping of chicken hens in certain zoned districts, under certain circumstances, with the approval of a permit application. The permit application must also be approved by 100 percent of the property owners adjacent to the applicant's property.

Your neighbor located at _____ is requesting a chicken permit from the City. If approved, the permit will allow your neighbor to keep up to five (5) hens in an approved chicken coop. A summary of the chicken permit requirements is listed below for your information. Your signature below indicates your approval for your neighbor at _____ to keep up to five (5) hens on their property as per City ordinance.

Street Address _____ **Owner Name** _____ **Signature (consent to issue permit)** _____

City of Rushford Chicken Permit Requirements

1. Up to 5 hens (No Roosters) allowed in certain districts with a yearly permit.
2. Initial permit must be approved by 100% of the property owners that are adjacent to the applicant's property.
3. Slaughtering of chickens on the property is prohibited.
4. Leg banding of all chickens is required to identify owner in the event of stray chickens.
5. A separate coop and run is required to house the chickens. Coop must be located in the rear or side yard and be set back at least 5 feet from the property line.
6. Exercise yards must be fenced and is required if the run does not provide at least 16 square feet per bird.
7. All premises on which chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract 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 detectable on another property.
8. All grain and food stored for the use of the hens shall be kept in a rodent proof container.
9. 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. Legal forms of chicken carcass disposal include burial offsite incineration or rendering, or offsite composting.

Permit No. _____

Neighbor Consent Yes/No

City Verification

Zoning District _____ Coop Location _____

Coop Sq. Ft. _____ Coop Height _____ Number of Hens _____

Type of Hens _____ Chicken Run Yes / No _____

City Official Approval & Date

\$20.00 One Time Fee Paid _____ **Renewal Date:** _____

(Permits are non transferable and must be renewed annually)

Leg Band #'s _____