

CITY OF MAHTOMEDI
WASHINGTON COUNTY, MINNESOTA
ORDINANCE NO. 2017-02

AN ORDINANCE AMENDING CHAPTER 3, SECTIONS 3.01 AND 3.02 AND ADDING SECTION 3.12 RELATED TO THE KEEPING OF CHICKENS

THE CITY COUNCIL OF THE CITY OF MAHTOMEDI ORDAINS AS FOLLOWS:

Section One. Amendment. Chapter 3, Section 3.01 of the Mahtomedi City Code is hereby amended to include the following definitions:

“Chicken” means a domesticated bird (of the species *Gallus domesticus* or various similar or related birds) that serves as a source of eggs and/or meat.

“Coop” means the structure for the keeping or housing of chickens.

“Hen” means a female chicken.

“Rooster” means a male chicken.

“Run” means a fully enclosed area attached to a coop where hens can roam.

Section Two. Amendment. Chapter 3, Section 3.02, subd. 2 of the Mahtomedi City Code is hereby amended as follows. The underlined text shows the proposed additions to the Ordinance and the ~~struck out~~ text shows the deleted wording:

2. Exceptions. This Section does not apply to the following:
 - A. Animals which are brought into the City solely for participating in any circus or show;
 - B. Any bona fide research institution or veterinary hospital, provided that such institution or hospital employs protective devices adequate to prevent such animal(s) from escaping or injuring the public; ~~or~~
 - C. Chickens pursuant to the issuance of a permit as allowed in Section 3.12 of this Chapter; or
 - D. Any animals prohibited in Section 3.02, subdivision 1 that are kept within the City as of the date the City Council adopts this Chapter, and that are reported to the City in writing by the Owner on or before April 1, 1999.

Section Three. Amendment. Chapter 3, Section 3.12, of the Mahtomedi City Code is hereby added as follows:

3.12 KEEPING OF CHICKENS.

1. Intent. It is recognized that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding pastime. It is the purpose and intent of this ordinance to permit the keeping and maintenance of hens in a clean and sanitary manner that does not create a nuisance and is not detrimental to the public health, safety and welfare of the residents of the City.
2. Permit Required. No person shall keep, maintain, or otherwise care for chickens within the City without first obtaining a permit for the keeping of chickens from the City.
3. Conditions. The keeping of chickens is permitted, pursuant to a permit issued under this section, subject to the following conditions:
 - A. All premises in which hens are kept or maintained shall be kept reasonably clean from filth, garbage, and any substances which attract rodents. A coop and its surroundings, including any run, must be cleaned frequently enough to control odor. Feces shall not be allowed to accumulate in a way that creates an unsanitary condition or causes odors detectible on another property.
 - B. Coops shall be constructed and maintained so as to be predator and rodent-proof and must be maintained in good condition and working order.
 - C. All grains and other hen food shall be kept in a rodent proof container.
 - D. Hens shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent properties and must be kept in a coop. An exception may be made for hens under four (4) months in age to be temporarily kept in an accessory structure to facilitate the regulation of their temperature.
 - E. All coops and runs shall be located in the rear yard and shall be at least twenty (20) feet from adjacent habitable structures and five (5) feet from all property lines. Portable coops and runs are allowed, but must be identified on the required site plan and shall comply with the setback requirements of this provision.
 - F. A coop shall provide a minimum of four (4) square feet of floor space per hen.
 - G. In no case shall the number of hens kept on one property exceed six (6).
 - H. Roosters are prohibited.
 - I. Breeding is prohibited.

- J. Hens must be contained within the coop or run whenever unattended, but when attended by the owner, may be allowed in a yard completely fenced in by a fence at least four (4) feet in height. Hens must be confined to the owner's premises at all times, may not roam at large, and must be secured inside a coop from sunset to sunrise each day.
 - K. Dead hens must be disposed of according to the Minnesota Board of Animal Health rules.
4. Permit Process:
- A. An applicant shall complete an application form provided by the City. The application shall include a description of all coops. The applicant must also provide a site plan depicting the property and showing the location, size and setbacks of the coop and run from all adjacent habitable structures and property lines.
 - B. Applicants who are not the owner of record of the property where chickens will be kept shall provide evidence of the property owner's consent to the keeping of chickens on the property.
 - C. Applicants shall complete a chicken keeping training course prior to issuance of a permit. Proof of completion of the required training course shall be provided at the time of permit application. Chicken permits shall expire five (5) years after issuance unless sooner revoked.
 - D. A chicken permit is non-transferable and shall only permit the keeping of chickens by the permit holder at the location listed on the permit.
 - E. An initial inspection of the coop, fence and property is required to verify compliance with this ordinance and the site plan submitted with the application prior to moving chickens onto the property.
5. Right of Entry for Inspection: City Staff may enter and inspect any property for which a chicken permit has been issued following notice to the property owner at any reasonable time for the purpose of ensuring compliance with this section. It shall be deemed a violation of this section for any person to resist, impede or hinder City Staff or their designee in the performance of their duties in inspecting any chicken-related materials.
6. Violation and Penalties: If a violation of the terms of this Section or the chicken permit is found, the City shall give written notice thereof to the permit holder. If the violation is not remedied within ten (10) days of the date of the notice, a misdemeanor citation may be issued and/or the chicken permit may be revoked following notice and a hearing before the City Council.

Section Four. Effective Date. This Ordinance shall be in full force and effect upon its publication as provided by law.

Passed in regular session of the City Council on the 20th day of June, 2017.

Motion for adoption by: Ramaley
Seconded by: Deans
Ayes: Deans, Brainerd, Marshall, Ramaley, Schilling
Nays: None
Abstained: None
Absent: None

CITY OF MAHTOMEDI

By _____
Judson Marshall
Its Mayor

Attest:

By: _____
Mary Solie
Its City Clerk

(Published in the *White Bear Press* on June 28th, 2017)