

**CITY OF FISHER
STATE OF MINNESOTA**

ORDINANCE 2020 - 04

AMENDING CITY OF FISHER CODE SECTION 174 TO ALLOW URBAN CHICKENS

WHEREAS, the City Council has heard requests that chickens be allowed within the city limits and in areas other than agricultural districts;

WHEREAS, the practice of allowing urban chickens is becoming common in similar cities;

WHEREAS, the City Council recognizes that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding pastime.

NOW THEREFORE, IT IS ORDAINED BY THE CITY OF FISHER, MINNESOTA AS FOLLOWS:

1. Section 174.05 – Farm Animals of the Fisher Code of Ordinances is hereby amended to read as follows:

174.05 Farm Animals. Farm animals shall not be kept within the city. An exception shall be made to this section for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition, and permitted urban chickens as allowed in Section 174.18.

2. Section 174.18 – Urban Chickens is hereby added to read as follows:

174.18 URBAN CHICKENS

174.18.1 Definitions Of Urban Chickens. For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BROODING. The period of chicken growth when supplemental heat must be provided, due to the bird's inability to generate enough body heat.

CHICKEN. A domesticated bird of the scientific name *Gallus domesticus* that serves as a source of eggs or meat.

COOP. The structure for the keeping or housing of chickens permitted by this subchapter.

FOWL or POULTRY. Other members of the Galliformes order, including turkeys, ducks, geese, pheasants, partridge, and quail.

174.18.2 Purpose Of Chickens. 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 subchapter to permit the keeping and maintenance of chicken hens for eggs 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.

174.18.3 Permitting. Permits shall be issued by the City Clerk. Applications for permits shall be made on forms provided by the Clerk.

A. A chicken permit shall be valid for **2 years beginning January 1 of odd years**. No reduction of permit fee shall be made because of expiration of a portion of the

permit period time and no refund of any portion of the permit fee shall be made at any time for any purpose. Submission of a site plan or sketch shall be required with the permit.

- B. The **bi-annual** chicken permit fee shall be as set by ordinance of the City Council. The permit fee shall be paid at the time of application.

174.18.4 General Permit Requirements. No person shall own, keep, harbor, or have custody of any live chickens without first obtaining a permit from the city, subject to the following conditions:

- A. The owner of the chickens shall live in the dwelling on the property;
- B. The keeping of any poultry besides chickens is prohibited;
- C. All chicken coops and runs must meet the requirements of the building and zoning codes; including electrical permits if applicable;
- D. No person shall keep roosters, or adult male chickens, on any property within the city;
- E. Chickens are specifically limited to the following designated zoning districts: R-1 or Agricultural;
- F. No more than **6** chickens shall be housed or kept per household in any area of the city zoned R-1 or AG;
- G. Permits may be revoked due to cruelty to the chickens, if the chickens become a nuisance, or any violation or non-compliance of this subchapter;
- H. Outdoor slaughtering of chickens in city limits is prohibited;
- I. Chicken fighting shall not be allowed within city limits;
- J. Chickens shall not be housed in a residential house;
- K. Chickens must be confined at all times in a chicken coop or chicken run. Chicken coops and runs shall comply with the following requirements:
 - 1. Chicken coops must not exceed 24 square feet (by outside dimensions); which is 4 square feet per chicken or 6 feet in height. Coops must be elevated with a clear open space of at least 24 inches between the ground and the floor or framing of the coops. Construction shall be adequate to prevent access by rodents;
 - 2. Chicken runs must not exceed 60 square feet; which is 10 square feet per chicken or 6 feet in height, and may be enclosed with wood or woven wire;
 - 3. The shelter shall be situated closer to the chicken owner's dwelling than to any of the neighboring dwellings;
 - 4. Located in the side or rear yard;
 - 5. Any mobile coop or rolling coop must meet all of the required setbacks at all times;
 - 6. Meet the setback of at least 25-feet from any residential dwelling on any adjacent lot and at least 10-feet from the property lines; and
- L. 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 surroundings 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;
- M. All food shall be stored in an enclosed, rodent proof container; and

- N. Dead chickens shall 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 offsite burial, offsite incineration or rendering, or offsite composting.

174.18.5 Running At Large. No owner of any chicken, whether kept, harbored, or maintained within the city, shall permit or suffer such chicken to run or move at large at any time within the city. For the purpose of this section, every such chicken at large shall be deemed at large with the permission and at the sufferance of its owner, and in the event of a violation of the provisions of this section, it shall be no defense that the offending chicken escaped or is otherwise at large without the permission or sufferance of its owner.

174.18.6 Enforcement.

- A. Warning of violation. The animal control officer, police officer, or other official of the city, is authorized to issue a written notice of violation of any provisions(s) of this subchapter, therein stating that a citation may be issued if the violation continues.
- B. Issuance of citations. Any police officer or any other authorized representative of the law may issue a citation to any person, firm, or entity for any alleged violations of this subchapter and any other ordinance or statute which provides the basis for prosecution of violations of this subchapter. Nothing within this subchapter shall be construed to limit the authority of police officers to enforce any provisions of this subchapter or related statutes or ordinances. The animal control officer, police officer, or other official of the city, is authorized to issue a citation to any person, group, or organization for any alleged violation of this subchapter as often as each day the violation persists.
- C. Unless otherwise specified, any person violating the provisions of this subchapter shall be guilty of a petty misdemeanor.

This ordinance shall take effect and be in force after its passage and publication according to law.

ADOPTED by the City Council of the City of Fisher, this - day of -, --.

Elizabeth Barrett, Mayor

Stacy Wallace, Clerk-Treasurer