

City of South St. Paul
Dakota County, Minnesota

ORDINANCE NO. 1297

**AN ORDINANCE AMENDING CHAPTERS 15 AND CHAPTER 118 OF THE
SOUTH ST. PAUL CITY CODE RELATING TO RAISING OF CHICKENS ON
RESIDENTIAL PROPERTIES WITHIN THE CITY**

The City Council of the City of South St. Paul does ordain:

SECTION 1. AMENDMENT. South St. Paul City Code Chapter 15 Article I Sections 15-3, 15-4 and 15-9 regarding animals and Chapter 118 Article IV Section 118-121 Subsection (2) regarding accessory uses is hereby amended as follows:

Sec. 15-3. Farm animals.

It shall be illegal for any person to own, possess, harbor, or offer for sale, any farm animals within the city limits, except temporarily in the general business district east of Trunk Highway No. 56 in a stockyard or farm produce establishment awaiting slaughter or transportation, or except as brought into the city as part of an operating zoo, veterinary clinic, scientific research laboratory, or a licensed show or exhibition, or as may be allowed under urban chicken regulations found in section 15-9

Sec. 15-4. Basic care.

All animals shall receive from their owner's kind treatment, sufficient shelter, and sufficient food and water for their comfort.

- (a) *Proximity to certain uses.* A dove cote, dog kennel, rabbit warren, pigeon loft or other yard or establishment where small animals or fowl are kept must not be maintained closer than 50 feet from any apartment, hotel, restaurant, retail food store, building used for school, religious or hospital purposes, or residence other than occupied by the owner or occupant of the premises where the animals are kept. Except as may be allowed under backyard chicken regulations found in section 15-9.

Sec. 15-9. Backyard Chicken Regulations.

- a) Keeping of Chickens on Urban Residential Lots:
- 1) License Required: No person shall keep chickens on any residentially zoned property within the city without first obtaining a license from the city. The

keeping of chickens on a residential property shall be limited to single family lots.

- 2) Application: An application for a license to keep chickens shall be made to the City Clerk on the form prescribed by the city. The applicant must provide all the information required on the form, including, but not limited to:
 - a. The name and address of the owner(s) where the chickens will be kept;
 - b. The number of chickens to be kept on the property;
 - c. A scaled site plan or property survey showing the proposed location of the building and enclosed outdoor area to house the chickens on the subject property along with the dimensions of the building and enclosure;
 - d. A drawing or picture of the proposed building to house the chickens along with a list of the exterior materials for the building;
 - e. The applicant must pay the fee for the license to keep chickens as set forth in the city fee schedule.

- b) Consent from Surrounding Property Owners: The applicant shall be required to obtain consent from 75% of the abutting property owners on a form provided by the City Clerk. The City will notify abutting property owners of the pending application.

- c) Granting Issuance of License: The City Clerk may administratively grant a new or renewal license under this subsection provided all of the following have been met:
 - 1) All required submittal information is submitted and complete.
 - 2) Appropriate fee is paid.
 - 3) The application filed demonstrates compliance with the requirements of this subsection and any other applicable regulations of this code.
 - 4) At least 75% of the abutting property owners have consented in writing.
 - 5) The applicant has had no more than two property maintenance violations within the preceding twelve month period.
 - 6) A maximum of twenty (20) licenses may be issued.

- e) Standards: Any person keeping chickens in residential areas of the city as noted in this section, shall comply with the following:
 - 1) No person shall keep more than four (4) total hen chickens on the property.

- 2) No person shall keep roosters or adult male chickens on the property.
- 3) The slaughter of chickens on residentially used or zoned properties is prohibited.
- 4) The owner of the chickens shall live in the dwelling on the property.
- 5) The raising of chickens for breeding purposes is prohibited.
- 6) Chickens more than 4 months old shall not be kept inside the dwelling.
- 7) Raising of chickens shall not be for commercial purposes and there shall be no selling of eggs on the premises.

f) Shelter and Enclosure Requirements: Every person who owns, controls, keeps, maintains or harbors hen chickens must keep them confined on the premises at all times and provide them a building to shelter the chickens and an enclosed outdoor area. Buildings to house the chickens and enclosed outdoor areas for the chickens shall comply with the following standards:

- 1) Only one (1) building to house the chickens and one enclosed outdoor area shall be allowed per lot.
- 2) No building to house the chickens or enclosed outdoor area to contain the chickens shall be constructed on a lot prior to the time of occupancy of the principal structure.
- 3) Buildings to house the chickens and enclosed outdoor areas for the chickens shall not be located in the front or side yards and shall not be placed within any drainage and utility easements.
- 4) Any building to house chickens and enclosed outdoor area for the chickens shall be set back at least twenty-five feet (25') from any principal structure on an adjacent lot and ten feet (10') from all property lines.
- 5) Any buildings to house the chickens and enclosed outdoor areas must be consistent with applicable zoning codes.
 - a. Exterior materials for the building to house the chickens shall be consistent with the requirements for Accessory Buildings; in particular they must have finished exterior surfaces (painted, stained, sealed, etc.)
 - b. The maximum height for a building to house the chickens is 12 feet from ground to the peak of the roof.
 - c. The maximum size for the building to house the chickens is 120 square feet.
 - d. A floor is not required for a building housing the chickens.
 - e. Fencing for the enclosed outdoor area for the chickens may utilize poultry netting fence. Fencing for the

enclosed outdoor area should be six feet high to better protect the chickens from predators.

- 6) Chickens shall be provided a secure well ventilated roofed structure in compliance with applicable zoning codes.
 - 7) The floors and walls of the roofed structure shall be kept clean, sanitary and in a healthy condition.
 - 8) Chickens shall be contained within the building to house the chickens or the enclosed outdoor area for the chickens at all times.
 - 9) The enclosed outdoor area shall be well drained so there is no accumulation of moisture.
 - 10) If the license to have chickens is not renewed the building to house the chickens does not need to be removed provided the building meets the accessory building requirements (including the maximum number of accessory buildings)
- g) License Modification: The license may be reasonably modified by animal control authority if necessary to respond to changed circumstances. Any modification shall be effective ten (10) days after the mailing of a written notice by certified mail to the license holder. The license holder may challenge the modification by contacting the City Clerk and requesting a hearing within ten (10) days after receipt of written notice. A hearing regarding the proposed modification shall be held before the City Council.
- h) Duration of License: A license to keep chickens shall be issued for a period of two (2) years beginning January 1 and terminating on December 31. Applications for a renewal license must be made at least 60 days prior to its expiration.
- i) Conditions / Maintenance and Inspections: No person who owns, controls, keeps, maintains or harbors chickens shall permit the premises where the chickens are kept to be or remain in an unhealthy, unsanitary or noxious condition or to permit the premises to be in such condition that noxious odors to be carried to adjacent public or private property. Any building to house chickens or enclosed outdoor area for the chickens authorized under this section may be inspected at any reasonable time by authorized city staff to inspect for compliance with this chapter and other relevant laws and regulations.
- j) Revocation of License: A license may be revoked by the City Council for a violation of any condition of this section following notice and a hearing as provided for in this code.

- k) Penalty: Violation of this section shall be addressed through the Administrative Citation process.

Sec. 118-121. R-1. Single-Family District.

(2) Accessory Uses:

- h) Keeping of chickens as per the backyard chicken regulations found in Section 15-9

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

An ordinance allowing raising of up to four hen chickens (no roosters) on a owner-occupied single-family residential lot subject to certain standards including standards for the structures to house the chickens (“coop” buildings and enclosed outdoor areas), establishing performance standards for the keeping of chickens, setting a maximum number of licenses and amending other code sections regarding chickens.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in force upon its adoption and publication.

Approved: April 20, 2015

Published: April 26, 2015

City Clerk