

**City of St. Charles
Ordinance #584**

**AN ORDINANCE TO AMEND
CHAPTER 92 OF THE ST. CHARLES
CITY CODE TO ALLOW FOR THE KEEPING OF BACKYARD CHICKENS IN
AREAS ZONED R-1, R-3, R1-M, PUD-R, A-1 (AG) DISTRICTS, UNDER
CERTAIN CIRCUMSTANCES**

THE CITY OF ST. CHARLES DOES ORDAIN (deleted material is stricken and enclosed in brackets; new material is underlined; subsections which are not being amended are omitted):

Section 1. Title IX: General Regulations, Chapter 92: Animals, is amended as follows:

(A) §92.070 DEFINITIONS OF URBAN CHICKENS

- (1) Brooding The period of chicken growth when supplemental heat must be provided, due to the bird's inability to generate enough body heat.
- (2) Chicken A domesticated bird of the scientific name Gallus domesticus that serves as a source of eggs or meat.
- (3) Coop The structure for the keeping or housing of chickens permitted by the ordinance.
- (4) Fowl/Poultry Other members of the Galliformes order, including turkeys, ducks, geese, pheasants, partridge, and quail.

(A) §92.071: PURPOSE OF CHICKENS

- (1) 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 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.

(A) §92.072: PERMITTING.

- (1) Permits shall be issued by the City Clerk. Applications for permits shall be made on forms provided by the Clerk.
- (2) A chicken permit shall be valid for one (1) year beginning January 1 of each year. 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.
- (3) The 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.

(A) §92.073: 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:

- 1 The owner of the chickens shall live in the dwelling on the property.
- 2 The keeping of any poultry besides chickens is prohibited.
- 3 All chicken coops and runs must meet the requirements of the building and zoning codes; including electrical permits if applicable.
- 4 No person shall keep roosters, or adult male chickens, on any property within the City.
- 5 Chickens are specifically limited to the following designated zoning districts: R-1, R-3, R1-M, PUD-R, or A-1 (Ag).
- 6 No more than three (3) chickens shall be housed or kept per household in any area of the city zoned R-1, R-3, R1-M, PUD-R, or A-1 (Ag).
- 7 Permits may be revoked due to cruelty to the chickens, if the chickens become a nuisance, or any violation or non-compliance of this ordinance
- 8 Outdoor slaughtering of chickens in city limits is prohibited.
- 9 Chicken fighting shall not be allowed within city limits.
- 10 Leg banding of all chickens is required and the bands will be provided by the City. The bands will have an identifying number that will correspond to the owner's name, address, and telephone number on record at City Hall.
- 11 Chickens shall not be housed in a residential house.
- 12 Chickens must be confined at all times in a chicken coop or chicken run. Chicken coops and runs shall comply with the following requirements:
 - a.) Chicken coops must not exceed 12 square feet (by outside dimensions); which is four (4) square feet per chicken or six 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.
 - b.) Located in the side or rear yard.
 - c.) The shelter shall be situated closer to the chicken owner's dwelling than to any of the neighboring dwellings.
 - d.) Any mobile coup or rolling coup must meet all of the required setbacks at all times.

- e.) 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.
- f.) Chicken runs must not exceed 30 square feet; which is ten (10) square feet per chicken or six feet in height, and may be enclosed with wood or woven wire.

13 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.

14 All food shall be stored in an enclosed, rodent proof containers.

15 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.

(A) §92.074: RUNNING AT LARGE

- (1) No owner of any chicken, whether kept, harbored, or maintained within or without 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.
- (2) Penalty. A first time violation of this section shall be fined \$50.00. Numerous violations of this section shall be deemed a petty misdemeanor.

A §92.075: ENFORCEMENT

- (1) 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 section, therein stating that a citation may be issued if the violation continues.
- (2) 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 ordinance and any other ordinance or statute which provides the basis for prosecution of violations of this ordinance. Nothing within this ordinance shall be construed to limit the authority of police officers to enforce any provisions of this ordinance 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 ordinance as often as each day the violation persists.
- (3) Unless otherwise specified, any person violating the provisions of this section shall be guilty of a petty misdemeanor.
- (4) Severability If any provision of this ordinance or the application of any provision to

a particular situation is held to be invalid by a court of competent jurisdiction, the remaining portions of this ordinance and the application of the ordinance to any other situation shall not be invalidated.

Section 3. This ordinance shall become effective 30 days after its publication.

Adopted by the Council of the City of St. Charles, Minnesota this 26th day of January 2016.

John Schaber, Mayor

Attest: _____
Nick Koverman, City Administrator

First Reading:

Date: _____

Ayes: _____

Nays: _____

Absent: _____

Abstain: _____

Second Reading:

Date: _____

Ayes: _____

Nays: _____

Absent: _____

Abstain: _____

Published:

Date: _____