

**ORDINANCE NO. 93.12**

**AN ORDINANCE OF THE CITY OF WATERVILLE, LE SUEUR COUNTY,  
MINNESOTA GOVERNING THE KEEPING, HOUSING, AND MAINTENANCE  
OF CHICKENS IN THE CITY'S CORPORATE LIMITS**

THE CITY COUNCIL OF THE CITY OF WATERVILLE HEREBY ORDAINS  
AS FOLLOWS:

(A) *Chickens permitted.* It is unlawful for any person to own, control, keep, maintain or harbor chickens on any premises other than in an agricultural holding district within the City unless issued a permit to do so as provided in this section. No permit shall be issued for the keeping or harboring of more than five (5) female chickens or hens on any premises. The keeping or harboring of male chickens or roosters is prohibited and the premises upon which the chickens are kept must be the property owner's primary residential dwelling.

(B) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**"CHICKEN"** means a female chicken or hen.

**"AT LARGE"** means a chicken out of its chicken run, off the premises or not under the custody and control of the owner.

**"CHICKEN COOP"** means a structure for housing chickens made of wood or other similar materials that provides shelter from the elements.

**"CHICKEN RUN"** means an enclosed outside yard for keeping chickens.

**“PERSON”** means the resident, property owner, custodian, or keeper of any chicken.

**“PREMISES”** means any platted lot or group of contiguous lots, parcels or tracts of land and is located within the city.

(C) *Permit.* No person shall maintain a chicken coop and/or chicken run unless granted a permit by the City Administrator-Clerk. The permit shall be subject to all the terms and conditions of this section and any additional conditions deemed necessary by the Administrator-Clerk or designated Animal Control Officer to protect the public health, safety and welfare. The necessary permit application may be obtained from the City Administrator’s office. Included with the completed application must be a scaled diagram that indicates the location of any chicken coop and/or chicken run, and the approximate size and distance from adjoining structures and property lines, the number and species of chickens to be maintained at the premises, and a statement that the applicant/permittee will at all times keep the chickens in accordance with this ordinance and all the conditions prescribed by the Animal Control Officer, or modification thereof, and failure to obey such conditions will constitute a violation of the provisions of this section and grounds for cancellation of the permit. The applicant shall include written consents/approval of the keeping of chickens on their premises from 75% of the abutting property owners, or shall provide proof of the certified mailing of a notice, and copies of said notice(s) to all abutting property owner(s) which advises the abutting property owner(s) the applicant is applying for a permit from the City of Waterville for the keeping of chickens on their premises, the abutting property owner may object to the applicant’s permit application, any objection must be received by the City Administrator within 10 days of the mailing date of said notice, and failure to provide written objections to the City Administrator-Clerk within 10 days of the mailing of said notice will authorize the City Administrator-Clerk to issue a permit for the keeping of chickens to the applicant at their premises. Upon receipt of a permit application, the Administrator-Clerk shall determine if the application is complete and contains the required consents/approvals and/or proof of the certified mailing of the required notices. If the application is complete and includes written consents/approval from 75% of abutting property owners, the Administrator-Clerk shall issue a permit for the keeping of chickens to the applicant.

No permit shall be issued for an incomplete application or for the keeping of chickens on any rental premises. A permit for the keeping of chickens may be revoked or suspended by the Administrator-Clerk or designated Animal Control Officer for any violation of this section following written notice. The applicant/permittee may appeal the

revocation or suspension of their permit by requesting in writing a hearing before the city council within seven (7) days of the notice of revocation or suspension. The request for hearing must be either postmarked or received in the city administrator's office within seven (7) days of the date of the notice. The city council shall hold a hearing on the applicant/permittee's request for hearing within thirty (30) days of the request for hearing. The permit fee shall be charge in accordance to the City of Waterville fee schedule and shall expire on December 31 of each year.

(D) *Confinement.* Every person who owns, controls, keeps, maintains, or harbors chickens must keep them confined at all times in a chicken coop and chicken run and may not allow the chicken to run at large. Any chicken coop and chicken run shall be at least ten (10) feet from any neighboring adjacent dwelling, setback, or property line, ten (10) feet from any garage or structure on the property, and twenty-five (25) feet from any rear yard setback.

(E) *Chicken Coops and Chicken Runs.*

(1) All chicken coops and chicken runs must be located within the rear yard subject to a ten (10) foot setback from any property line and at least ten (10) feet from any neighboring adjacent dwelling. All chicken coops must be a minimum of four (4) square feet per chicken in size, must not exceed ten (10) square feet per chicken in size and must not exceed six (6) feet in total height. Attached fenced-in chicken runs must not exceed 20 square feet per chicken and fencing must not exceed six (6) feet in total height. Chicken runs may be enclosed with wood and/or woven wire materials, and may allow chickens contact with the ground. Chicken feed must be kept in metal predator proof containers. Chicken manure may be placed in yard compost piles.

(2) Chicken coops must either be:

(a) Elevated with a clear open space of at least twenty-four (24) inches between the ground surface and framing/floor of the coop; or,

(b) The coop floor, foundation and footings must be constructed using rodent resistant construction.

(c) Constructed of the same quality materials as the primary structure.

(3) Chicken coops are not allowed to be located in any part of a home and/or garage.

(4) Chickens must be secured in a chicken coop from sunset to sunrise each day and no chickens shall be allowed to run outside of the coop.

(5) All coops shall be constructed and maintained in a workmanlike manner.

(6) All coops shall be rodent proof and built in such a manner as to prevent access to the coop by rodents.

(7) The use of heat lamps in chicken coops is expressly prohibited.

(F) *Conditions and Inspection.* 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 are carried to adjacent public or private property. Any chicken coop or chicken run authorized by permit under this section may be inspected at any reasonable time by the designated Animal Control Officer, Law Enforcement Officer or other agent of the City. A person who has been issued a permit shall submit it for examination upon demand by the Animal Control Officer, Law Enforcement Officer or other agent of the City. Slaughter and breeding of chickens on any premises within the City is prohibited.

(G) *Private Restrictions and Covenants on Property.* Notwithstanding the issuance of a permit by the City, private restrictions and/or covenants on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association by-laws, covenant declarations and deed restrictions. A permit issued to a person whose premises are subject to private restrictions and/or covenants that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

(H) *Refusal to Grant or Renew Permit.* The Administrator-Clerk may refuse to grant or renew a permit to keep or maintain chickens for failure to comply with the provisions of this section, submitting an inaccurate or incomplete application, if the conditions of the permit are not met, if a nuisance condition is created, or if the public health and safety would be unreasonably endangered by the granting or renewing of such permit.

(I) *Removal of chicken coop and chicken run.* Any chicken coop or chicken run constructed or maintained on any premises shall be

immediately removed from said premises after the expiration of the permit or shall be removed within thirty (30) days upon ceasing to use the chicken coop and/or chicken run for the keeping of chickens.

(I) *Residential Agricultural District.* This ordinance does not apply to premises located in a residential agricultural district as that area is defined in this Code.

(J) *Slaughtering of Chickens.* The slaughtering of chickens on the property is strictly prohibited.

(K) *Violations a Misdemeanor.* Any person who owns, controls, keeps, maintains or harbors chickens in the City of Waterville without obtaining or maintaining a current permit or after a permit has been suspended or revoked by Council action shall be guilty of a misdemeanor. In addition, any person who violates any provision of this Ordinance shall be guilty of a misdemeanor which is punishable by imprisonment for up to 90 days in jail and/or the imposition of a fine of up to \$1,000, and/or a combination of both.

Effective Date. The effective date of this ordinance shall be the 15<sup>th</sup> day of September, 2016.

Passed by the City Council of Waterville on this 6<sup>th</sup> day of September , 2016.

Approved:

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Stephen Mihalik, Mayor

Attested:

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Teresa Hill, Administrator-Clerk

1st reading: June 7, 2016

2nd reading: September 9, 2016

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