

ORDINANCE #92

AN ORDINANCE REGULATING THE KEEPING OF CHICKENS WITHIN THE CITY LIMITS OF UNDERWOOD MINNESOTA

It is recognized that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding pastime. Therefore, the purposed and intent of this ordinance to permit the keeping and maintenance of chicken hens for residential egg 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.

SECTION 1 DEFINITIONS

The purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- a. CHICKEN means a female chicken or hen.
- b. AT LARGE means a chicken out of its chicken run, off the premises or not under the custody and control of the owner.
- c. CHICKEN COOP means a structure for housing chickens made of wood or other similar materials that provides shelter from the elements.
- d. CHICKEN RUN means an enclosed outside yard for keeping chickens.
- e. PERSON means the resident, property owner, custodian, or keeper of any chicken.
- f. PREMISES means any platted lot or group of contiguous lots, parcels or tracts of land and is located within the city.

SECTION 2 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 keeping of any poultry besides chickens is prohibited.
- b. Roosters are prohibited.
- c. No more than 10 chickens shall be housed or kept on any one residential lot in any area of the city deemed residential.
- d. Chickens shall only be allowed on single family home lots.
- e. Outdoor slaughtering of chickens in city limits is prohibited.
- f. Chicken fighting shall not be allowed within city limits.
- g. Chickens shall not be housed in a residential house or an attached or detached garage.
- h. Must have a signed and dated consent form from adjacent properties to be included with permit application.
- i. Chickens must be confined at all times in a chicken coop or chicken run. Chicken coops and runs shall comply with the following requirements:
 - i. Chicken coops must not exceed 50 square feet or six (6) feet in height and must provide at least 4 square feet per chicken. Coops may be elevated with a clear open space of up to twenty-four (24) inches between the ground and the floor or framing of the coop. The coops floor, foundations and footings must be constructed to make the coop rodent resistant.
 - ii. Located in the side or rear yard.
 - iii. Meet the structure setback of twenty-five (25) feet from any residential dwelling on any adjacent lot and at least ten (10) feet from the property lines.

- iv. Construction shall be adequate to prevent access by rodents and predators.
- v. Chicken runs must not exceed 10 square feet per chicken and six (6) feet in height and must be enclosed with wood or woven wire.
- vi. All chicken coops and runs shall be screened with a solid fence or landscaped buffer with a minimum height of four (4) feet, maximum height of (6) feet.
- vii. 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 surrounds 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.
- viii. All food shall be stored in an enclosed rodent proof container.
- ix. 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 forty-eight (48) to seventy-two (72) hours. Legal forms of chicken carcass disposal include offsite burial, offsite incineration or rendering or offsite composting.

SECTION 3 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.

SECTION 4 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.

SECTION 5 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 the nuisance condition is created, or if the public health and safety would be unreasonably endangered by the granting or renewing of such permit.

SECTION 6 FOWL/POULTRY

Possession of fowl, with the exception of chickens, is prohibited within city limits.

SECTION 7 PERMIT APPLICATIONS

Permits may be obtained from the City Clerk's office. All sections must be complete and accurate, including but not limited to a diagram indicating pen dimensions and location, including setback distance from adjoining structures and property lines.

SECTION 8 PENALTY

Failure to comply with these conditions may result in the removal of all chickens from the premises to include the revocation of the permit.

- a. Any person whose permit is revoked shall, within ten (10) days thereafter, humanly dispose of all chickens being owned, kept or harbored by such person
- b. Any person violating any conditions of this permit shall reimburse the city for all costs borne by the city to enforce the conditions of the permit.

This ordinance will amend ordinance #72, 1A to read poultry except chickens as defined in section 1. 2A would be amended to include except chickens as defined in section 1.

EFFECTIVE DATE. This ordinance shall take effect upon its summary publication in the City's official newspaper. Said publication shall read as follows:

Pursuant to Minnesota Statue Section 412.191, Subd 4, the City Council for the City of Underwood authorizes the publication of the Title & Summary of the following ordinance. A copy of the full ordinance is available for inspection during regular hours at the City Clerk's Office located at 120 Main Street South, Underwood, MN.

ORDINANCE #92

Title: REGULATING THE KEEPNG OF CHICKENS WITHIN THE CITY LIMITS OF UNERWOOD MINNESOTA.

Summary: Ordinance #92 allowing the keeping of chickens in areas deemed residential, subject to specific conditions.

Passed and adopted by the City Council of the City of Underwood this 10th day of April, 2023.

Anna Kiser
Mayor

Judy Everett
City Clerk/Treasurer

A council approved summary of this ordinance was published in the Battle Lake Review on the **date**