

ORDINANCE NO. 457

AN ORDINANCE AUTHORIZING THE KEEPING OF CHICKENS WITHIN THE CITY OF
ADA, MINNESOTA

The City Council of the City of Ada, Minnesota does hereby ordain:

Section 1. Purpose.

The purpose of this ordinance is to provide standards for the keeping of domesticated chickens. It is intended to enable residents to keep a small number of chickens on a noncommercial basis while creating standards and requirements that ensure that domesticated chickens do not adversely impact the health and welfare of residents living in the neighborhood of the property on which the chickens are kept, and which preserve for such residents the quiet and undisturbed enjoyment of their property.

Section 2. Definitions.

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

“CHICKEN” is a domesticated fowl that may produce eggs or serve as a source of meat for human consumption and is commonly raised for one or both purposes, whether or not actually used for such purposes by the owner.

“HEN” for purposes of this ordinance, a hen means a female chicken.

“ROOSTER” means a male chicken.

“BROODING PERIOD” means the stage of life between hatch and adulthood. For purposes of this ordinance, a chicken shall be deemed to have reached adulthood twelve (12) weeks after hatching.

“AT LARGE” means a chicken is out of its run, off the premises or not under the direct and immediate control of the owner.

“CHICKEN COOP” means a structure for housing chickens that provides shelter from the elements.

“CHICKEN RUN” means a fenced yard area for keeping chickens.

“PERMITTEE” means a person who has been issued a permit to keep chickens under this ordinance.

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

Section 3. Permit required, Revocation and Appeal.

- (a) An annual permit is required for the keeping of any chickens. The annual permit is personal to the permittee and may not be assigned. Every permit shall be issued only

upon the applicant's written agreement that a duly authorized agent of the City may enter upon the applicant's premises at any reasonable time and upon not less than 24 hours notice to the permittee, the purpose of such being exclusively for the inspection to ensure a permittee's compliance with this ordinance.

- (b) The fee for an annual permit to keep chickens is ten dollars (\$10.00). The fee for a renewal of an annual permit shall be ten dollars (\$10.00).
- (c) An applicant for a permit to keep chickens must demonstrate compliance with the criteria and standards in this ordinance in order to obtain a permit.
- (d) The application for a permit shall be submitted to the City Clerk or his / her designee.
- (e) The necessary permit application may be obtained from the City Clerk's office. Included with the completed application must be a scaled diagram that indicates the location of any chicken coop or run, and the approximate distance from adjoining structures and property lines, the number and species of chickens to be maintained on the premises, and a statement that the applicant / permittee will at all times keep the chickens in accordance with this ordinance, 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.
- (f) Permits shall expire June 30th annually.
- (g) No permits shall be issued for an incomplete application
- (h) No permits shall be issued for the keeping of chickens on any rental premises.
- (i) The Ada City Council may refuse to grant or renew a permit to keep or maintain chickens for failure of the applicant to 1) comply with the provisions of this ordinance, 2) submit a complete and accurate application together with any supplemental documentation required by ordinance, or refuse entry upon a permittee's premises for purposes of inspection as provided in Section 3 of this ordinance.
- (j) A permit may be revoked without reimbursement of any fee after notice of violation and opportunity to cure as provided in this ordinance. Grounds for revocation shall include, but not be limited to:
 - a. Misrepresentations on an application;
 - b. Violation of the provisions of this ordinance or violation of any other City ordinance which proximately results from the permittee's keeping of chickens and the failure of the permittee to timely eliminate the violation after notice; and
 - c. Refusal of a permittee after due notice to allow entry upon the permittee's premises for purposes of inspection as provided in Section 3 of this ordinance.

Prior to revocation, notice of intent to revoke shall be served upon a permittee in writing by mailing to the address set forth on the permittee's application. Said notice shall specify the grounds on which the intended revocation is based, the action that must be taken by the permittee to eliminate the violation and the time by which such acts must be completed.

In the event a permittee fails to timely complete the corrective action specified in the notice of intent to revoke, a notice of revocation or suspension shall be served upon a permittee in writing by mail addressed to the address set forth on the permittee's application. The revocation shall be effective 12 days from the date of mailing unless the permittee files a timely appeal. The notice shall specify the reason for the revocation, the manner in which an appeal may be filed and the date by which a permittee must file an appeal, if any.

Any revocation or suspension pursuant to this section may be appealed to the City Council by personal delivery of a signed and dated written notice of appeal with the City Clerk within ten (10) days of the postmarked date of the notice of revocation or suspension. In the event a timely appeal is filed, the matter shall be heard by the City Council not more than 30 days after the date the appeal is filed.

Section 4. Number and type of chickens allowed.

- (a) The maximum number of adult hens allowed is six (6) per lot regardless of how many dwelling units are on the lot. In the case of residential condominium buildings without individually – owned back yards, the maximum number of adult hens allowed is six (6) per each such building.
- (b) There is no restriction on chicken species.
- (c) Roosters are prohibited.

Section 5. Non – commercial use only.

- (a) Chickens shall be kept for personal use only; no person shall for commercial purposes or for profit: 1) sell eggs, chickens or any by – products associated with chickens kept by the permittee, including but not limited to manure and / or feathers, or 2) engage in chicken breeding.
- (b) The slaughter of chickens shall not be performed out – of – doors on any premises.

Section 6. Enclosures.

- (a) Chickens must be kept in an enclosure, chicken coop, or chicken run at all times during daylight hours. Enclosures must be clean, dry, and odor – free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact. The chicken coop and chicken run must provide adequate sun and shade. A permittee shall take such measures as may be necessary to make the coop and run impermeable to rodents, wild birds, and predators, including but not limited to dogs and cats.
- (b) The use of scrap, waste board, sheet metal, or similar materials is prohibited. The coop must be well – maintained.

- (c) Coops, and chicken runs shall be kept no less than ten (10) feet from all property lines. This requirement may be reduced to five (5) feet from a property line with signed and dated written consent from the neighboring property owner. Such written approval must be granted no more than thirty (30) days prior to submittal of an application under this ordinance and must be filed with the application. Anything in this ordinance shall be construed to preclude the withdrawal of consent previously granted by a neighboring property owner. Upon withdrawal of consent, a permittee shall immediately take such action as may be necessary to comply with the setback requirements of this ordinance.
- (d) Chicken coops shall not exceed thirty-two (32) square feet in size.
- (e) Coops, and chicken runs shall only be located in rear yards if a primary residence exists on the property. For a corner lot or other property where no rear yard exists, these facilities shall not be located any closer to a public street than the primary residence. Chicken coops shall not be located in any part of a home.

Section 7. Odor and noise impacts.

- (a) Permittees shall take such action as may be necessary to ensure that odors from chickens, chicken manure, or other chicken – related substances are not perceptible beyond the boundaries of the permittee’s premises.
- (b) Permittees shall take such action as may be necessary to ensure that noise relating to or associated with the activities governed by this ordinance does not extend beyond the boundaries of the permittee’s premises at a level which unreasonably disturbs other City residents.

Section 8. Predators, rodents, insects, and parasites.

A permittee shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites that may result in unhealthy conditions to human habitation.

Section 9. Feed and water.

Chickens must be provided with access to feed and clean water at all times: such feed and water shall be unavailable in inaccessible to rodents, wild birds and predators.

Section 10. Waste storage and removal.

Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed container or compost bin. No more than one, twenty (20) gallon container of manure shall be stored on any single premises. All other manure shall be removed immediately. In addition, the coop, run, and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

Section 11. Violation.

Each violation of this ordinance shall subject the permittee to a \$25.00 fine; each day a violation continues shall constitute a separate offense. The City retains the right to enter upon any premises subject to and governed by this ordinance in order to determine whether a violation has been corrected.

Section 12. Enforcement.

Any violation of this ordinance may be enforceable by injunction or other action available at law.

Section 13. Removal of Chickens.

In addition to the penalties stated in Section 11 and 12, any violation of the provisions of this ordinance shall be grounds for an order from the City to remove the chickens and the chicken – related structures. The City’s designated agent may order the removal of the chickens upon a determination that the chickens pose a health risk.

Dead and dying chickens must be disposed of promptly in a sanitary manner.

Section 14. Severance.

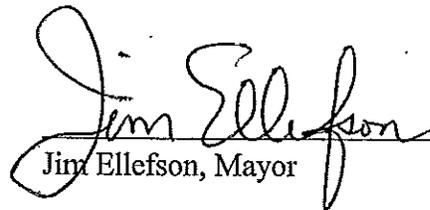
In the event that any section, subsection or portion of this ordinance shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this ordinance.

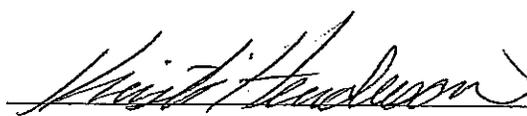
Upon being put to a vote, the above Ordinance was duly passed after a second reading by the City Council of the City of Ada this 5th day of November, 2014 by the following vote:

Ayes: Austinson, Robertson, Peterson, Hansen, Pinsonneault.

Nays: Erickson, Edwards.

Absent: None.


Jim Ellefson, Mayor



Kristi Henderson, Interim Clerk / Treasurer