



New Richland City Council Regular Meeting Agenda

February 27th, 2023

Agenda:

**7:00 Call to Order
 Roll Call**

Item(s) for Discussion

- Animal Ordinance

Adjournment

Section 300 - Animals

300.01 Definitions. As used in this Section, unless the context otherwise indicates, the following words shall be defined to mean:

Subd. 1 Animal. “Animal” shall mean any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as follows:

A. Domestic. “Domestic animals” shall mean those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.

B. Non-Domestic. “Non-Domestic animals” shall mean those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:

(1) Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.

(2) Any naturally wild member of the canine family (family canidae) including

wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.

(3) Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.

(4) Any member or relative of the rodent family including any skunk (whether or not descended), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.

(5) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.

(6) Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this subpart, including but not limited to bears, deer, monkeys and game fish.

C. Farm. "Farm animals" shall mean those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (duck, geese), swine (including Vietnamese potbellied pigs), goats, bees, and other animals associated with a farm, ranch, or stables.

Subd. 2 Cat. “Cat” shall be intended to mean both the male and female of the felidae species commonly accepted as domesticated household pets.

Subd. 3 Dog. “Dog” shall be intended to mean both the male and female of the canine species, commonly accepted as domesticated household pets, and other domesticated animals of a dog kind.

Subd. 4 Dangerous Dog and Potentially Dangerous Dog. The terms “Dangerous Dog” and “Potentially Dangerous Dog” shall mean any dog which has been found to be dangerous of potentially dangerous pursuant to Minn. Stat. §§ 347.50 - 347.55, as amended.

Subd. 5 Owner. “Owner” shall be intended to mean any person or persons, firm, association or corporation owning, keeping, harboring, feeding or acting as custodian of an animal.

Subd. 6 At Large. “At Large” shall be intended to mean off the premises of the owner and not under the custody and control of the owner or other person, either by leash, cord, chain, or otherwise restrained or confined.

Subd. 7 Release Permit. “Release Permit” shall mean a permit issued by the City of New Richland for the release of any animal that has been taken to the pound. A release permit may be obtained upon payment of a fee in accordance with that regular license requirement and payment of a release fee and any maintenance costs incurred. The release fee shall be set by city code § 240. For the purpose of a release permit, any change in the registered ownership of an animal subsequent to its impoundment and release shall reset that animal’s

impoundment count to the beginning of the fee scale.

300.02 Dogs and Cats.

Subd. 1 Running at Large Prohibited. It shall be unlawful for any person who owns, harbors, or keeps a dog or cat, or the parents or the guardians of any such person under 18 years of age, to allow such dog or cat to run at large within the city limits or St. Olaf Lake Park. Dogs or cats on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person so as to be effectively restrained by command as by leash, shall be permitted in streets or on public land except as otherwise provided in this section or unless the city has posted an area with signs reading “Dogs and/or Cats Prohibited”. It shall not be a defense to a violation of this section that the offending dog escaped or was otherwise at large without the permission of the owner.

Subd. 2 License Required.

A. **Registration.** The owner of any dog or cat shall register the dog or cat with the City at the time the dog or cat is brought into the City. The registration shall be in writing on a form prescribed and furnished by the City to the owner and the form shall state the name, sex, breed, age, color, and marking of the dog or cat being registered, and the name and address of the owner of the dog or cat and certify all required vaccinations will be kept current. The registration shall be valid for the life of the pet from the date a license is issued.

B. Upon the filing of the registration form with the City and the payment of the

registration fee set by the City Council in § 240 per dog or cat being registered, to the City by the dog's or cat's owner the City shall assign a serial number to the registration form and note the number on the form. The City shall then issue to the owner a metal tag for each dog or cat registered. The metal tag shall bear the same serial number assigned to and noted on the registration form. The owner shall cause the tag to be securely fastened to a collar which shall at all times be worn by any registered dog or cat when off the owner's premises.

C. In case any dog or cat tag is lost, a substitute tag may be issued by the City upon presentation of a receipt showing payment of the license fee for the current year. A replacement fee set in § 240 shall be made for each substitute tag.

D. It shall be unlawful to counterfeit or attempt to counterfeit the tags provided for in this Section or take from any dog or cat a tag legally placed upon it by its owner with the intent to place it upon another dog or cat, or to place the tag upon another dog or cat.

E. Dog or cat tags shall not be transferable and no refunds shall be made on any dog or cat license fee because of leaving the City or death of the dog or cat before the expiration of the license period.

F. The licensing provisions of this Subdivision shall not apply to dogs or cats whose owners are non-residents temporarily within the City, nor to dogs or cats brought into the City for the purpose of participating in any licensed exhibition, nor shall this provision apply to service animals properly trained to assist physically challenged persons.

G. The funds received by the City from all dog or cat licenses and metallic tags fees shall first be used to defray any costs incidental to the enforcement of this Section; including, but not restricted to, the costs of licenses, metallic tags, and impounding and maintenance of the dogs or cats.

Subd. 3 Limit on the Number of Dogs or Cats Kept. No household shall own, keep, harbor or allow the keeping of more than two adult dogs or five adult cats or five animals that consist of a combination of cats and dogs with a two-dog maximum. For the purposes of this Section, an adult dog shall be any dog older than six months of age.

Subd. 4 Dangerous and Potentially Dangerous Dogs. No person shall keep any dangerous or potentially dangerous dog without registering the dog with the City pursuant to Minn. Stat. § 347.51, as amended. No person shall keep any dangerous dog or potentially dangerous dog unless such dog is properly confined or muzzled, and otherwise provided for pursuant to Minn. Stat. §§ 347.50-347.55. as amended.

Subd. 5 Vaccination.

A. All dogs and cats kept harbored, maintained, or transported within the City shall be vaccinated at least once every three years by a licensed veterinarian for:

1. Rabies - with a currently effective vaccine; and
2. Distemper.

B. A certificate of vaccination must be kept on which is stated the date of vaccination, owner's name and address, the animal's name (if applicable), sex, description and weight, the type of vaccine, and the veterinarian's signature. Upon demand made by the Clerk-Treasurer or a police officer, the owner shall present for examination the required certificate(s) of vaccination for their animal(s). In cases where certificates are not presented, the owner or keeper of the animal(s) shall have seven days in which to present the certificate(s) to the enforcement officer. Failure to do so shall be deemed a violation of this Section.

Subd. 6 Cats. Cats shall be included as controlled by this sub-section insofar as running-atlarge, pickup, impounding, boarding, licensing and proof of anti-rabies vaccine is concerned. All other provisions of this Section shall also apply to cats unless otherwise provided.

Subd. 7 Penalty. Violation of this sub-section is a petty misdemeanor and may be subject to administrative penalty.

(Am. Ord. 14-02, passed 10-27-14)

300.03 Non-Domestic Animals. It shall be illegal for any person to own, possess, harbor, or offer for sale, any non-domestic animal within the City limits. Any owner of such an animal at the time of adoption of this Code shall have thirty (30) days in which to remove the animal from the City after which time the City may impound the animal as provided for in this Section. An exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the City

as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

300.04 Farm Animals. Farm animals shall only be kept in an agricultural district of the City, or on a residential lot of at least ten (10) acres in size provided that no animal shelter shall be within three hundred (300) feet of an adjoining piece of property. An exception shall be made to this subsection for those animals brought into the City as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

300.05 Nuisances.

Subd. 1 Habitual Barking, etc. It shall be unlawful for any person to keep or harbor an animal which habitually barks, cries, howls or otherwise makes audible noises. Habitual barking, crying, howling and other noise making shall be defined as barking, crying, howling, or other noise making for repeated intervals of at least five minutes with less than one minute of interruption. Such barking, crying, howling, or other noise making must also be audible off of the owner's or caretaker's premises.

Subd. 2 Sanitation.

(A) Any person who owns, keeps or harbors a dog or cat shall have the responsibility for keeping their property clean of all fecal matter created by the animal. All animal waste shall be removed periodically so as to keep the surrounding area free from obnoxious odors. For the purpose of this section, "periodically" shall be defined as a period of time not to exceed one week.

(B) It is unlawful for any person who owns, keeps or harbors a dog or cat to cause or permit

the dog or cat to be on any property not owned or possessed by this person without having a device or equipment for immediately picking up and removing animal feces to a proper receptacle located upon property owned or possessed by such person.

(C) It is unlawful for any person who is in control of any dog or cat, or who causes or permits any dog or cat to be on any property not owned or possessed by such person, to fail to remove feces left by such animal to a proper receptacle located on property owned or possessed by such person.

(D) This section does not apply to the ownership or use of Seeing Eye dogs by blind persons, dogs used in police activities by the city, or tracking dogs when used by or with the permission of the city.

Subd. 3 Damage to Property. It shall be unlawful for any owner to permit their dog or other animal to damage any lawn, garden, or other property. Any animal covered by this subdivision may be impounded as provided in this Section or a complaint may be issued by anyone aggrieved by a dog under this Section, against the owner of the animal for prosecution under this Section.

Subd. 4 Biting Animals. An animal may be declared a nuisance if it at any time has attacked or bitten a person off of the owner's property;

Subd. 5 Vicious or Attacking Animals. An animal may be declared a nuisance if it is vicious or shows vicious habits, or molests pedestrians or bicyclists, or interferes with the driving of automobiles on public streets.

Subd. 6 Prohibited Areas. No animal other than guide animals shall be permitted on the City beach area, nor shall any animal be allowed to swim in the City beach area. No animal shall be allowed in any City park or picnic area except if restrained and attended to by an adult. No animal shall be permitted in the municipal bath house.

Subd. 7 Other. Any animals kept contrary to this Section are hereby declared a public nuisance and may be abated according to the law.

(Am. Ord. 15-04, passed 7-27-15)

300.06 Animals Presenting a Danger to Health and Safety of City.

If, in the reasonable belief of any person or police officer an animal presents an immediate danger to the health and safety of any person, the officer may take whatever means the officer deems appropriate to protect the person. The person or officer may apprehend the animal and deliver it to the pound for confinement. In such a case, the owner or keeper of the animal shall be liable for the cost of maintenance provided, and if the animal is destroyed, the owner is responsible for all associated costs. If the animal is found not to be a danger to the health and safety of the City, it may be released to the owner or keeper in accordance with this Section. The animal may be released to other persons in accordance with this Section.

300.07 Diseased Animals

Subd. 1 Running at Large. No person shall keep or allow to be kept on his or her premises, or on premises occupied by them, nor permit to run at large in the City, any animal which is diseased so as to be a danger to the health and safety of the City, even though the animal be properly licensed under this Section.

Subd. 2 Confinement. Any animal reasonably suspected of being diseased and presenting a threat to the health and safety of the public, may be apprehended and confined in the pound by any person or police officer. The police officer shall have a qualified veterinarian examine the animal. If the animal is found to be diseased in such a manner so as to be a danger to the health and safety of the City, the officer shall authorize the pound to take all appropriate action to protect the public and other animals. The owner or keeper of the animal shall be liable for the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examinations.

Subd. 3 Release. If the animal, upon examination, is not found to be diseased within the meaning of this Section, then the animal shall be released to the owner or keeper free of charge.

Subd. 4 Immediate Destruction. If an animal is rabid or otherwise diseased, vicious or dangerous, or otherwise poses an imminent threat to the health, safety and welfare of the public, and such animal cannot be impounded after reasonable effort or without serious risk to the impounder or others, such animal may be immediately killed by law enforcement officers.

300.08 Basic Care. All animals shall receive from their owners or keepers a kind treatment, housing in the winter, and sufficient food and water for their comfort. Any person not treating their pet in such a humane manner will be subject to the penalties provided in this Section.

300.09 Enforcement. The Police Department will be responsible for enforcement of the

provisions of this Section.

300.10 Pound. The Council shall designate an official pound to which animals found in violation of this chapter shall be taken for safe treatment, and if necessary, for destruction.

300.11 Impounding.

Subd. 1 Running at Large. Any police officer may impound any dog found unlicensed or any animal found running at large or any animal claimed to be at large by the occupant of the premises upon which the animal is found and shall give notice of the impounding to the owner of such dog or other animal, if known. In case the owner is unknown, the officer shall post notice at the City office that if the dog or other animal is not claimed within five regular business days of the posting of the notice, it will be sold or otherwise disposed of. Except as otherwise provided in this Section, it shall be unlawful to kill, destroy, or otherwise cause injury to any animal, including dogs and cats running at large.

Subd. 2 Biting Animals. Any animal that has not been inoculated by a currently effective rabies vaccine and which has bitten any person, wherein the skin has been punctured or the services of a doctor are required, shall be confined in the City Pound for a period of not less than ten days, at the expense of the owner. The animal may be released at the end of such time if healthy and free from symptoms of rabies, and by the payment of all costs by the owner. However, if the owner of the animal shall elect immediately upon receipt of notice of need for such confinement by the officer to voluntarily and immediately confine the animal for the required period of time in a veterinary hospital of the owner's choosing, not outside of Waseca County, and provide immediate proof of such confinement in such manner as may be required,

the owner may do so. If, however, the animal has been inoculated with a currently effective rabies vaccine and the owner has proof of the vaccination by a certificate from a licensed veterinarian, the owner may confine the dog or other animal to the owner's property.

Subd. 3 Reclaiming. All animals conveyed to the pound shall be kept, with kind treatment and sufficient food and water for their comfort, at least five regular business days, unless sooner reclaimed by their owners or keepers as provided by this Section. In case the owner or keeper shall desire to reclaim the animal from the pound, the following shall be required, unless otherwise provided for in this code:

- A. Payment of the Release fee and receipt of a release permit from the City;
- B. Payment of maintenance costs, as provided by the pound, per day or any part of day while animal is in said pound; and
- C. If a dog or cat is unlicensed, payment of a regular license fee and valid certificate of vaccination for rabies and distemper shots is required.

Subd. 4 Unclaimed Animals. At the expiration of five regular business days from the time any animal is impounded, if the animal has not been reclaimed in accordance with the provisions of this Section, the officer appointed to enforce this Section may let any person claim the animal by complying with all provisions in this Section, or the officer may sell the animal to the University of Minnesota, or direct the pound to dispose of the animal in a humane manner. Any monies collected under this Section shall be payable to the City of New Richland.

300.12 Interference with Officers. No person shall in any manner molest, hinder, or interfere with any person authorized by the Council to capture dogs, cats or other animals and convey them to the pound while engaged in such cooperation. Nor shall any unauthorized person break open the pound, or attempt to do so, or take or attempt to take from any agent any animal taken up by him or her in compliance with this Section, or in any other manner to interfere with or hinder such officer in the discharge of his or her duties under this Section.

300.13 Violations and Penalties.

Subd. 1 Separate Offenses. Each day a violation of Section 300 is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this Section.

Subd. 2 Misdemeanor. Except as otherwise noted, violation of Section 300 shall constitute a misdemeanor and may also be subject to administrative penalty.



Website: www.cityofnewrichlandmn.com

PRELIMINARY REPORT ON THE KEEPING OF CHICKENS IN TOWN



Anthony Martens, City Administrator

Email: amartens@cityofnewrichlandmn.com

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JANESVILLE

3

ORDINANCE ESTABLISHED: 2021

2021 PERMITS ISSUED: 2

2022 PERMITS ISSUED: 1

NOTES:

A. VERY LITTLE USE EVEN THOUGH INITIAL DEMAND WAS HIGH

MINNESOTA LAKE

4

ORDINANCE ESTABLISHED: 2021

2021 PERMITS ISSUED: 0

2022 PERMITS ISSUED: 0

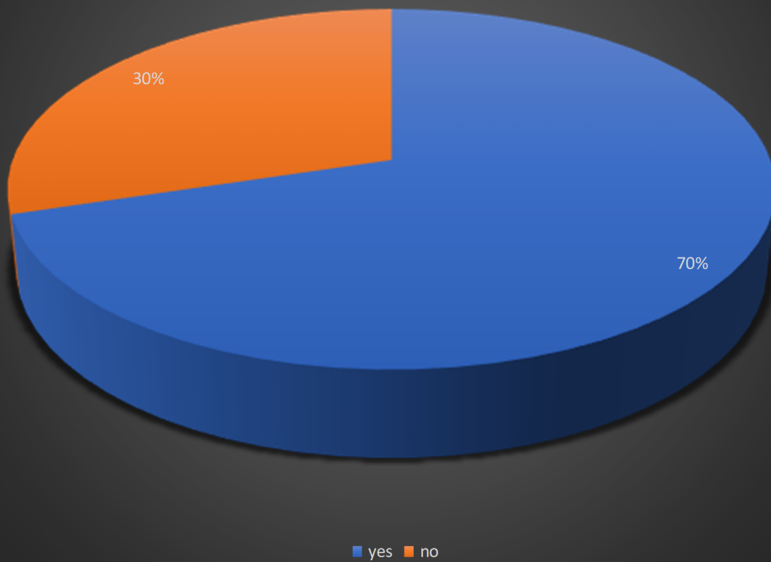
NOTES:

- A. 1 PERSON HAS REQUESTED A PERMIT BUT DID NOT RETURN
- B. TO DATE, NO PERMITS HAVE BEEN ISSUED

SURVEY RESULTS

5

Do you support the City of New Richland changing its ordinance to allow for the keeping of Chickens?



**** NON-SCIENTIFIC POLL ****

168 Responses

151—In Town

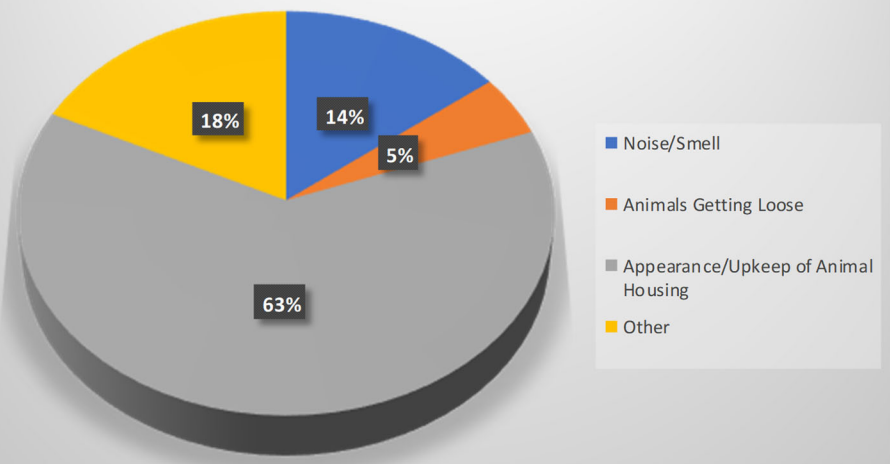
17—Out of Town

Additional Concerns:

Manure dumped at dump in town

Dead animals/weather

Biggest Concern(s) by Residents



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City of Janesville Chicken Permit Application

101 N. Mott Street • P.O. Box O • Janesville, MN 56048

Phone: (507) 234-5110 • Fax: (507) 234-5236

www.janesvillemn.gov

Applicant Name: _____

Address: _____ Janesville, MN 56048

PID#: _____ Phone: _____

Email: _____

_____ Number of chickens (LIMIT 5 up to 2 acres; LIMIT 10 for more than 2 acres)

Species of hen(s): _____

_____ Signature of approval from at least 75% of abutting property owners

_____ Chicken Coop/Run Diagram (must include the following):

- Location of coop/run on property
- All property lines and structures on the property
- Dimensions of chicken coop or run (including height)
- Distance from coop or run to all property lines and structures

I will at all times keep the chickens in accordance with the City of Janesville's Code of Ordinances and understand that failure to follow such will constitute a violation of the ordinance and could be grounds for cancellation of the permit. If I will no longer be keeping chickens, any coop or run must be removed within thirty (30) days of permit expiration or ceasing use of coop or run, whichever comes first.

Signature of Applicant: _____ Date: _____

CITY OF JANESVILLE USE ONLY	
Inspection Date:	☐ Approved ☐ Denied
Square foot per Chicken:	Total Due: Receipt #:
Inspector:	Permit Expires December 31, _____



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Phone: (507) 234-5110 • Fax: (507) 234-5236

www.janesvillemn.gov

We, the undersigned, hereby indicate NO opposition to the applicant keeping the above described animals on or within their premises/property.

Print Full Name	Signature	Address

You will need _____ of _____ signatures to meet the 75% requirement.

To be an eligible signature, the neighboring property owner must abut the borders of the applicant's property, NOT including properties across city streets. A map may be provided to applicant.



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www.janesvillemn.gov

KEEPING OF CHICKENS

§ 90.400 CHICKENS PERMITTED

Chickens permitted. It is unlawful for any person to own, control, keep, maintain or harbor chickens on any premises 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 up to two (2) acres and ten (10) female chickens or hens on any premises of more than two (2) acres. 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.

§ 90.410 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.

§ 90.420 PERMIT

(A) No person shall maintain a chicken coop and / or chicken run unless granted a permit by the Zoning Administrator. The permit shall be subject to all the terms and conditions of this section and any additional conditions deemed necessary by the Zoning Administrator or designated Animal Control Officer to protect the public health, safety and welfare. The necessary permit application may be obtained from the Zoning 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 consent / approval of the keeping of chickens on their premises from 75% of the abutting property owners. Upon receipt of a permit application, the Zoning Administrator shall determine if the application is complete and contains the required consent and/or approval. If the application is complete and includes written consent / approval from 75% of abutting property owners, the Zoning Administrator shall issue a permit for the keeping of chickens to the applicant.



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(B) 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 charged in accordance to the City's fee schedule and shall expire on December 31 of each year.

(C) Permit fees shall made a part of the City's fee schedule as it may be amended from time to time.

§ 90.430 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 fifteen (15) from any structure, setback, or property line.

§ 90.440 CHICKEN COOPS AND CHICKEN RUNS

(A) All chicken coops and chicken runs must be located within the rear yard subject to a fifteen (15) foot setback from any property line and at least fifteen (15) feet from any other structures. 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.

(B) Chicken coops must either be:

- (1) Elevated with a clear open space of at least twenty-four (24) inches between the ground surface and framing / floor of the coop; or,
- (2) The coop floor, foundation and footings must be constructed using rodent resistant construction.

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

(D) 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.

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

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



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§ 90.450 CONDITIONS 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 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.

§ 90.460 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.

§ 90.470 REFUSAL TO GRANT OR RENEW PERMIT

The Zoning Administrator 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.

§ 90.480 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 keeping chickens.

§ 90.490 SLAUGHTERING OF CHICKENS

The slaughtering of chickens on the property is strictly prohibited.

§ 90.499 PENALTY

Any person who owns, controls, keeps, maintains or harbors chickens in the City 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 Chapter 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. (Ord. 2020- B, passed 11-09-2020)



Appendix- 2A

City of Minnesota Lake

103 Main St N
Minnesota Lake, Mn 56068

Telephone: (507)-462-3277
Fax: (507)-462-3438

www.minnesotalake.com

DATE RECEIVED: _____

APPLICATION FOR: PERMIT TO KEEP CHICKENS (FEE: \$ 10.00) 2-Year

APPLICANT NAME: _____

ADDRESS: _____ PHONE: _____

PROPERTY OWNER'S NAME: _____
(if applicant if renter)

ADDRESS: _____ PHONE: _____

Read and initial each item.

_____ I have received, read, and understand the material contained within Ordinance No. 2021-4 Section 635 of the Cite Code of the City of Minnesota Lake relative to keeping animals.

_____ I agree to abide by the conditions for keeping chickens, which are as follows:

1. No roosters are permitted. All chickens must be hens. If a permit holder inadvertently keeps a rooster, then that rooster must be removed within twenty four (24) hours of the date of discovery.
2. Chicken food is to be kept in containers designed to prohibit access by rodents or other pests.
3. A run or exercise yard conforming with this section is required.
4. Chickens must not be kept in such a manner as to constitute a nuisance to the occupants of any adjacent property.
5. Dead chickens must be disposed of according to applicable law and must be removed immediately, and in any event within twenty four (24) hours.
6. Chicken manure is to be contained in a weather and pest proof container and removed weekly, composted or used as fertilizer and incorporated into the soil. Chicken manure must not be allowed to accumulate in such a way as to cause an unsanitary condition or odors detectible on another property.
7. Chickens kept under this subdivision may not be slaughtered within the City.
8. No more than four (4) chickens may be kept at any one lot at any time.
9. Chickens must be confined inside a coop or a fenced in run at all times and may not be allowed to range freely.

_____ I have attached a sketch of the proposed coop (including dimensions). This sketch also includes the location of the coop to my house, lot lines, fencing and distance of any adjoining property houses.

INSTRUCTIONS TO ABUTTING PROPERTY OWNERS:

Your neighbor is applying for a permit to keep chickens. A total of four chickens are allowed. If you are an adjoining property owner, your consent to this permit is required for issuance. Do not sign this form if you are NOT giving consent to the issuance of a permit.

A permit may only be issued if all of the owners of all adjoining properties approve of the application by signing the application form. Adjoining property means all properties within fifty (50) feet of the proposed location of the coop and run. **If an adjoining property is occupied by a tenant of a rental property, then both the tenant and owner must approve and sign.**

By signing this form, you are providing written consent for the issuance of the permit.

Owner Name	Street Address	Signature

Applicant's Signature	(Date)
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Property Owner's Signature	(Date)
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(If applicant is renter, property owner must also approve of permit application.)

FOR OFFICE USE

Permit Fee Paid: ☐ yes ☐ no

Permit Approved: ☐ yes ☐ no By _____

Permit Valid Until: _____

Received on: _____
By: _____

**ORDINANCE NO. 2021- 4, CITY OF MINNESOTA LAKE,
FARIBAULT COUNTY, MINNESOTA**

**AN ORDINANCE ESTABLISHING SECTION 635 OF THE CITY CODE OF THE CITY OF
MINNESOTA LAKE REGULATING CHICKENS.**

The City Council of City of Minnesota Lake does hereby ordain as follows:

SECTION I.

That a new Section 635. Regulation of Chickens is hereby added stating as follows:

SECTION 635. REGULATION OF CHICKENS

Subsection 635.01. Chickens.

Subd. 1. Chickens are allowed on any lot with a single family residence that is issued a permit to do so by the City.

Subd. 2. No roosters are permitted. All chickens must be hens. If a permit holder inadvertently keeps a rooster, then that rooster must be removed within twenty four (24) hours of the date of discovery.

Subd. 3. Chicken food is to be kept in containers designed to prohibit access by rodents or other pests.

Subd. 4. A run or exercise yard conforming with this section is required.

Subd. 5. Chickens must not be kept in such a manner as to constitute a nuisance to the occupants of any adjacent property.

Subd. 6. Dead chickens must be disposed of according to applicable law and must be removed immediately, and in any event within twenty four (24) hours.

Subd. 7. Chicken manure is to be contained in a weather and pest proof container and removed weekly or composted or used as fertilizer and incorporated into the soil. Chicken manure must not be allowed to accumulate in such a way as to cause an unsanitary condition or odors detectable on another property.

Subd. 8. Chickens kept under this subdivision may not be slaughtered within the City.

Subd. 9. No more than four (4) chickens may be kept at any one lot at any time.

Subd. 10. Chickens must be confined inside a coop or a fenced in run at all times and chickens may not be allowed to range freely.

Subsection 635.02. Chicken permits

Subd. 1. A permit issued by the City is required to keep chickens.

Subd. 2. Application. The application for a permit fee shall be set by the City Council.

Subd. 3. Length of Permit. A permit lasts for two years from the date of issuance. The provisions of this ordinance apply to an approved application for the same time period, at which time a new permit must be secured.

Subd. 4. Number. The application must specify the number of chickens anticipated.

Subd. 5. A permit may allow between one and four chickens.

Subd. 6. Only one permit per lot. If a person wishes to keep chickens at multiple lots then that person must obtain a different permit for each lot.

Subd. 7. Neighbor Approval. A permit may only be issued if all of the owners of all adjoining properties approve of the application by signing the application form. Adjoining property means all properties within fifty (50) feet of the proposed location of the coop and run that the applicant is applying for a permit to keep chickens on. If an adjoining property is occupied by a tenant of a rental property, then both the tenant and the owner must approve and sign. If there are multiple rental units in an adjoining property, such as an apartment building, then every tenant in addition to the registered owner must sign and approve. If an adjoining property is owned by a business or other entity, then the application must be approved and signed by an individual with authority to bind the business/entity. If adjoining property is owned by the State or the City or another governmental entity, then the application must be approved and signed by an individual with authority to bind the governmental entity.

Subd. 8. Rental Property. If the applicant is living in a rental property, then the registered property owner must also sign and approve the application.

Subd. 9. Permits are non-transferable and do not run with the property.

Subd. 10. A permit constitutes a limited license granted to the chicken keeper by the City and in no way creates a vested zoning right.

Subd. 11. Coop Plans. Site plans and coop designs are to be included with the permit application. A site plan must be a part of the document approved by the adjoining property owners.

Subsection 635.03. Inspections. By accepting the permit, the applicant is authorizing the City to inspect the chickens and facility during normal City Hall work hours. Law enforcement is exempt from this normal work hours limitation.

Subsection 635.04. Coop and run. Coops and runs must be constructed and maintained to meet the following minimum standards:

1. A separate coop is required to house the chickens. The coop may not be attached to or inside any other structure such as a home or garage.
2. Only one coop is permitted per lot.
3. The coop must be fully enclosed.
4. The maximum height shall not exceed six (6) feet.
5. The maximum total square area of the coop and run shall not exceed seventy-two (72) square feet.
6. Maximum coop size shall not exceed sixteen (16) square feet (four square feet per chicken).
7. The run size shall not exceed fifty-six (56) square feet and must have at least ten (10) square feet per chicken. The run must be fenced in on all sides and include a roof. The height of the run fence and roof must not exceed six (6) feet.
8. The coop must be at least twenty four (24) inches off the ground or in the alternative the coop may be placed on a concrete pad.
9. There must be sufficiently sized windows to permit natural light inside. Windows must be able to be opened for ventilation. Sufficient ventilation and insulation is required.
10. The construction must be done in a workmanlike manner and with durable material.
11. The coop and run must be located in the back yard of the property.
12. There must be sufficient moisture drainage to keep the coop well drained.

13. The coop must be rodent and predator proof. Any door or access point to the coop or run shall be able to be locked or otherwise secured.
14. Coops and Runs must be constructed to comply with setbacks applicable to the zoning district in which the property to be permitted is located.
15. In addition to complying with all other applicable setbacks, coops must be at least twenty five (25) feet away from the applicant's residence and any residence on an adjoining property.
16. Coop designs must meet basic humane needs of chickens including heat, cooling, food, water, and protection from the elements.

Subsection 635.05. Violations

Subd. 1. Any person who commits, causes, permits, or allows a violation of the provisions of this section shall be guilty of a petty misdemeanor punishable by a twenty five (\$25) dollar fine. Each day during which a condition exists which is in violation of this section shall be deemed to be a separate offense.

Subd. 2. If a permit holder has two convictions under this subdivision within any two year permit period then that permit shall be revoked. Upon revocation all chickens must be removed from the property within forty eight (48) hours.

SECTION II.

That the City Council hereby amends Subsection 630.01. General Prohibition regarding other animals to state the following:

Subsection 630.01. General Prohibition. No person shall keep any animal, except dogs, cats and household pets, within the limits of the City; provided, however, that persons who own, occupy or control contiguous acreage of one acre or more and who reside north of Fifth Avenue, northeasterly of Minnesota Highway 22, or South of Higbie Avenue may keep domesticated animals for household use on such premises owned, occupied or controlled by them. The prohibition of this Subsection shall not apply to any commercial hog or cattle purchasing operation within the City. A household pet including any animal commonly accepted as a domesticated household animal, such as dogs, cats, caged birds, gerbils, hamsters, guinea pigs, rabbits (caged), fish, and non-poisonous, non-venomous, non-constricting reptiles, amphibians or other similar animals. Domesticated chickens are allowed to be kept within the City in compliance with the terms of Section 635 of the City Code.

SECTION III.

That this ordinance shall take effect and shall be in force 30 days from and after its adoption, approval, and publication.

Adopted by the City Council of the City of Minnesota Lake this _____ day of _____, 2021.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MINNESOTA LAKE ON THIS _____ DAY OF _____, 2021.

BY:

ATTEST:

Jeffery Ramsley
Mayor

Dawn Whitehead
City Clerk

DIAGRAM 1

50 FOOT ADJOINING PROPERTY RADIUS

IF PROPERTY OWNER OWNS 2 LOTS,
50' RADIUS ADJOINING PROPERTY
APPROVAL DOES NOT APPLY IF RADIUS
DOES NOT CROSS OVER THE PROPERTY LINES.
MINIMUM 25' SETBACK FROM HOUSE(S)
APPLIES TO ALL SCENARIOS.

DIAGRAM 3

50 FOOT ADJOINING PROPERTY RADIUS

WHEN 50' RADIUS CROSSES OVER INTO
ADJOINING PROPERTY AND/OR OVER ALLEY
INTO ADJOINING PROPERTY AS IN
DIAGRAM 2, APPROVAL WILL BE REQUIRED
FROM THOSE PROPERTY OWNERS.

MINIMUM 25' SETBACK FROM HOUSE(S)
APPLIES TO ALL SCENARIOS.

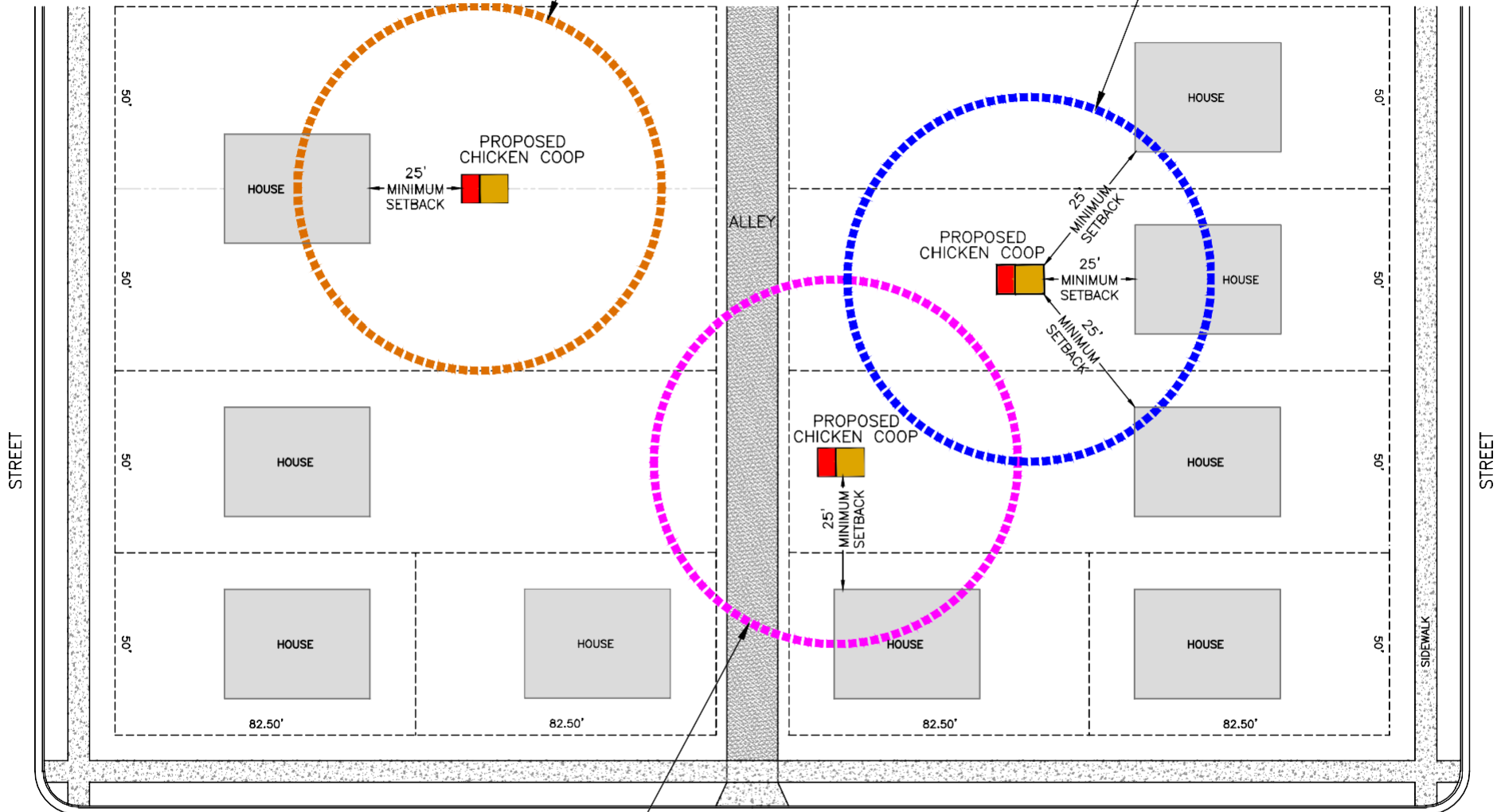


DIAGRAM 2

50 FOOT ADJOINING PROPERTY RADIUS

IF 50' RADIUS CROSSES OVER ALLEY INTO
ADJOINING ALLEY PROPERTY AND/OR IF
CORNER LOT IS SPLIT AND HAS A REAR
HOUSE, APPROVAL WILL BE REQUIRED
FROM THOSE PROPERTY OWNERS.
MINIMUM 25' SETBACK FROM HOUSE(S)
APPLIES TO ALL SCENARIOS.

City of Minnesota Lake, Minnesota

Chicken Coop and Run Building Code