

CITY OF HASTINGS, MINNESOTA

ORDINANCE NO. 2021- 08

AN ORDINANCE OF THE CITY OF HASTINGS REPEALING CITY CODE SECTION 155.07(I) AND AMENDING CITY CODE SECTIONS 91.02 A.1, 155.22, 155.22.5, 155.23, 155.24, 155.36 REGARDING THE KEEPING OF CHICKENS, RENUMBERING 91.35 TO 91.02 A.2 REGARDING THE KEEPING OF GOATS AND AMENDING 155.02 AND 155.05 REGARDING PORTABLE ACCESSORY STRUCTURES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HASTINGS:

SECTION 1. Hastings City Code Section 155.07 (I) is hereby repealed.

SECTION 2. Hastings City Code Section 91.02 A. 1. Keeping of Animals is hereby amended as follows:

91.02 Keeping of Animals

It is unlawful for any person to keep any animal (other than cats and dogs), not in transit, in any part of the city not zoned for agricultural purposes.

A. *Exceptions.*

1. Chickens (*Gallus gallus domesticus*) subject to ~~§ 155.07~~the following regulations-

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a. *Purpose.* The purpose of this division is to provide a means, through the establishment of specific standards and procedures, by which chickens can be kept in areas that are principally not used for agricultural. It is recognized that the keeping of chickens is clearly incidental and subordinate to the primary use and will not be allowed to negatively impact the character, health, safety or general welfare of the surrounding area.

b. *License required.* No person shall keep chickens within the city on any nonagricultural property without first obtaining a license from the city, where permitted by the zoning ordinance. For purposes of this subsection, "property" shall mean the lot or contiguous lots that are owned or controlled by the applicant upon which the license shall apply.

c. *Application.* An application for a license to keep chickens shall be made to the city clerk on the form prescribed by the city. The applicant must provide all the information required on the form, including, but not limited to:

- (1) The name and address of the owner(s) of the chickens and the owner of the property where the chickens will be kept, if different;
- (2) The number of chickens to be kept on the property;
- (3) A scaled site plan or property survey showing the property dimensions, the proposed location of the building and enclosed outdoor area to house the chickens on the subject property along with the dimensions of the building and enclosure;
- (4) A drawing or picture of the proposed building to house the chickens along with a list of the exterior materials for the building;
- (5) Payment of the fee for the license to keep chickens as set forth in the city fee schedule.

d. *Granting issuance of license.* The city clerk may administratively approve a license or license renewal under this subsection if:

- (1) The applicant has submitted the required documentation that meets the requirements herein; and
- (2) For renewal applications, the license holder has not had more than two violations of this subsection within the previous 12 months.

e. *Standards.* Any person keeping chickens on nonagricultural property, where permitted by the zoning ordinance, shall comply with the following:

- (1) Up to four total hen chickens may be kept on any property of any size.
- (2) Properties (a single lot or more than one contiguous lot combined) that are more than one acre may keep one hen chicken per 1/4 acre (10,890 Square feet).
- (3) No person shall keep roosters on the property.
- (4) The slaughter of chickens within the city is prohibited.
- (5) The owner of the chickens shall live in the residential dwelling on the property.
- (6) Chickens more than four months old shall not be kept inside the residential dwelling.

f. *Shelter and outdoor enclosure requirements.* Every person who owns, controls, keeps, maintains or harbors hen chickens must keep them confined on the premises at all times and provide them with a building to shelter the chickens and an enclosed outdoor area. Buildings to house the chickens and enclosed outdoor areas for the chickens shall comply with the following standards:

- (1) Chickens shall be provided with a secure well ventilated roofed structure with a solid floor. The floors and walls of the roofed structure shall be kept clean, sanitary and in a healthy condition.
- (2) Only one building to house the chickens and one enclosed outdoor area shall be allowed per lot.
- (3) Buildings to house the chickens shall comply with the accessory building requirements and standards in 155.05(D).
- (4) Any device used for heating (i.e. heat lamps) within the building to house the chickens must be properly rated for that use and secured so as not to cause a fire hazard.
- (5) Enclosed outdoor areas for the chickens shall not be located in the front or side yards.
- (6) Any building to house chickens and the enclosed outdoor area for the chickens shall be set back at least five feet from all property lines.
- (7) Fencing for the required enclosed outdoor area for the chickens may utilize poultry netting fence. Fencing may be galvanized or earth tone but shall not be bright colors and in no case can the fence be electrified. Fencing for the enclosed outdoor area should be six feet high to better protect the chickens from predators.
- (8) Buildings to house the chickens shall provide for a minimum of 4 square feet per chicken. The enclosed outdoor area shall provide for a minimum of 8 square feet per chicken.

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g. Duration of license. A license to keep chickens shall be issued to the applicant for a period of five years, so long as the license holder continues to own chickens. The license is not assignable or transferrable. If the license holder moves from the property but the chickens remain on the property, the new owner must apply for a new license. If any license holder does not own chickens for a period of one year, the license automatically terminates.

h. Conditions/maintenance 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 to be carried to adjacent public or private property. Feeders and food storage containers must not be accessible to rodents and wild birds. No chicken shall be kept or raised in a manner as to cause injury to persons or other animals on properties in the vicinity by reason of noise, odor or filth. Any building to house chickens or enclosed outdoor area for the chickens authorized under this section may be inspected at any reasonable time by authorized city staff to inspect for compliance with this chapter and other relevant laws and regulations.

i. Revocation of license. A license may be revoked by the city council for a violation of any condition of this section following notice and a hearing as provided for in this code.

j. Violations. Violations of this subsection are punishable with a misdemeanor citation or civil or administrative penalties, as authorized by law.

~~2.~~ (Prior Code, § 9.29) (Am. Ord. 2009-08, 3rd Series, passed 9-21-2009)
Penalty, see § 10.99

SECTION 2. AMENDMENT Hastings City Code 91.35 Temporary Keeping Of Goats For Control of Invasive Species and Other Weed Control Purposes is hereby renumbered as section 91.02 A. 2 and modified to provide that in 91.35.C.1 and C.4 a permit is required from the City Clerk and not from the Community Development Department.

SECTION 3. AMENDMENT. Hastings City Code Section 155.22(B) is amended by adding subsection (8) as follows:

§ 155.22 R-1 LOW DENSITY RESIDENCE.

(B) *Uses Permitted*

(8) Keeping chickens pursuant to 91.02

SECTION 4. AMENDMENT Hastings City Code Section 155.22.5 (B) is amended by adding subsection (2) as follows:

§ 155.22.5 R-1L LOW DENSITY RESIDENCE LARGE LOT.

(B) *Uses Permitted*

(2) Keeping chickens pursuant to 91.02.

SECTION 5. AMENDMENT Hastings City Code Section 155.23 (B) is amended by adding subsection (6) as follows:

§ 155.23 R-2 MEDIUM DENSITY RESIDENCE.

(B) *Uses Permitted*

(5) Keeping chickens pursuant to 91.02.

SECTION 6. AMENDMENT Hastings City Code Section 155.24 (B) is amended by adding subsection (6) as follows:

§ 155.24 R-3 MEDIUM HIGH DENSITY RESIDENCE.

(B) *Uses Permitted*

(6) Keeping chickens pursuant to 91.02.

SECTION 7. AMENDMENT Hastings City Code Section 155.36 (B) is amended by changing subsection (8) as follows:

§ 155.36 PI PUBLIC INSTITUTION

(B) *Uses Permitted*

(8) Keeping chickens pursuant to 155.07 91.02.

SECTION 8. AMENDMENT Hastings City Code Section 155.02 is amended by adding the following definition:

Portable Accessory Structure. A lightweight structure without a fixed foundation that can easily be moved by the owner.

SECTION 9. AMENDMENT Hastings City Code Section 155.05.D.10 is amended as follows:

10. Accessory structures 120 square feet or less require a zoning permit. Structures over 120-Portable accessory structures 75 square feet or less do not require a permit, but must meet applicable regulations. Structures between 76 square feet and 200 square feet require a zoning permit. Structures over 200 square feet require a building permit.

SECTION 10. AMENDMENT Hastings City Code Section 155.05.D.11. is amended by adding subsection (c) to the Notes section of the table as follows:

§ 155 .05 APPLICATION OF DISTRICT REGULATIONS.

(c) Portable accessory structures up to 75 square feet are exempt from the allowable number of structures and total size limitations of this section.

SECTION 11. AMENDMENT Hastings City Code Section 34.03. is amended by moving and changing the fee from Community Development to City Clerk:

City Clerk

Keeping of Chickens \$75 five year license 2021

Community Development

Keeping of Chickens \$100 annually 2010

SECTION 12. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance

is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance.

The ordinance amendment renumbers the keeping of chickens from the zoning ordinance section to the City Code Animals and allows certain approved zoning districts to have up to four hens on any sized property and for properties over one acre, there may be four additional hens per acre. The ordinance establishes regulations and requirements surrounding the chicken shelter and enclosed outdoor areas for the chickens. The owner of the chickens is required to get a license, which is valid for 5 years and is non-transferrable. The ordinance clarifies the accessory structure building sizes that require permits. The ordinance also renumbers the temporary keeping of goats from 91.35 to 91.02.

This Ordinance shall be effective upon seven (7) days after its passage and publication.

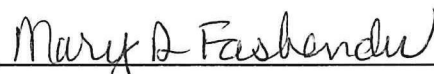
Adopted by the Hastings City Council on this 19 day of July, 2021, by the following vote:

Ayes: 5.

Nays: 2 - Lund, Vaughan.


Absent: 0.

CITY OF HASTINGS




Mary Fasbender, Mayor

ATTEST:



Kelly Murtaugh
City Clerk

I hereby certify that the above is a true and correct copy of the Ordinance presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 19th day of July, as disclosed by the records of the City of Hastings on file and of record in the office.



Kelly Murtaugh
City Clerk