

ORDINANCE NO. 2009-08, THIRD SERIES

**AN ORDINANCE OF THE CITY OF HASTINGS, MINNESOTA ALLOWING CHICKENS
IN PI – PUBLIC INSTITUTION ZONING DISTRICT AND MAKING SPECIAL
RESTRICTIONS FOR SUCH.**

BE IT ORDAINED by the City Council of the City of Hastings as follows:

§ 155.07 SPECIAL PROVISIONS.

(H) Keeping of chickens.

(1) *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 agriculture. It is recognized that the keeping of chickens is clearly incidental and subordinate to the primary use and will not be allowed to negatively affect the character, health, safety, or general welfare of the surrounding area.

(2) *Regulations.* The keeping of chickens requires a license to be granted by the City Council. The following conditions are requirements of the license.

- (a) Allowed in specified zoning districts as an accessory use to a school or museum.
- (b) No roosters are permitted.
- (c) Four (4) chickens are allowed per acre. Chickens are prohibited on properties less than one (1) acre.
- (d) Confinement restrictions. Chickens must be kept and confined as follows:
 - 1. Fenced area to keep the chickens contained on the property at all times.
 - 2. Food containers and feeders must not be accessible to rodents and wild birds.
 - 3. Sanitary conditions must be maintained.
 - 4. Fecal mater shall not accumulate in a manner that causes odor.
 - 5. Injury or annoyance to others. No chicken may be kept or raised in a manner as to cause injury or annoyance to persons or other animals on other property in the vicinity by reason of noise, odor, or filth.
 - 6. Impounding chicken. Any chicken at large or in violation of this section may be impounded by the City, and after being impounded for five (5) business days or more without being reclaimed by the owner, may be

humanly euthanized or sold without notice. Failure to claim an impounded chicken may result in the revocation of license. A person reclaiming any impounded chicken shall pay the cost of impounding and keeping the same.

7. Covered enclosure (coop) must be provided to protect chickens from the elements and predators. The required enclosure must meet the following requirements:
 - a. All accessory building regulations under section 155.05.D
 - b. Completely covered, secured, and with a solid floor.
 - c. Setback 25 feet from homes on adjoining lots.

(3) *License.* Keeping chickens requires a license to be granted by the City Council.

- (a) Staff shall notify property owners within 350 feet of the Planning Commission meeting, at which a recommendation will be made to the City Council for granting of the license. Failure of a property owner to receive the notice shall not invalidate any such proceedings as set forth within this code.
- (b) The license shall not run with the land and shall not be transferable.
- (c) If the license is approved by the City Council, staff shall inspect the property to determine if all of the provisions of this section are met prior to issuing the license.
- (d) Licenses shall be issued for a 1 year probationary period from the date of City Council approval. The City Council shall consider issuance of a full license at the end of the probationary period.
- (e) The City Council may revoke the license if the conditions of this section are not followed or if unresolved nuisances arise.
- (f) An annual license fee shall be paid to the City prior to issuance of the license. The annual license fee shall be established by ordinance.

§ 155.36 PI PUBLIC INSTITUTION.

(B) *Uses permitted.*

- (8) Keeping chickens pursuant to 155.07

§ 91.02 KEEPING.

It is unlawful for any person to keep any animal, 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.

ALL OTHER SECTIONS SHALL REMAIN UNCHANGED

ADOPTED by the Hastings City Council on this 21st day of September, 2009.



Paul J. Hicks, Mayor

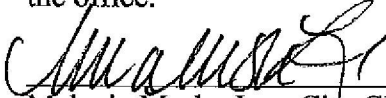
ATTEST:



Melanie Mesko Lee, City Clerk

(City Seal)

I HEREBY CERTIFY that the above is a true and correct copy of an ordinance presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 21st day of September 2009, as disclosed by the records of the City of Hastings on file and of record in the office.



Melanie Mesko Lee, City Clerk

(SEAL)

This instrument drafted by:
City of Hastings (JWH)
101 4th St. East
Hastings, MN 55033