

City of Delano
County of Wright
State of Minnesota

Ordinance O-20-09

A City Code amendment addressing the keeping of chickens in residential zoning districts

The City Council of the City of Delano does hereby ordain as follows:

Section 1. Chapter 406.01 of the Delano City Code – ANIMAL REGULATIONS AND LICENSES
Subdivision 1 Definitions is hereby amended to add the following:

“Brooding” means the period of chicken growth when supplemental heat must be provided due to the bird’s inability to generate enough body heat.

“Chicken” means a domesticated bird that is kept as a pet or serves as a source of eggs or meat. “Coop” means the structure used for the keeping or housing of chickens.

“Free Range” means allowing the chickens to leave their designated coop and run with or without supervision.

“Hen” means a female chicken.

“Rooster” means a male chicken.

“Run” means a fully enclosed and covered area attached to a coop where the chickens can roam.

Section 2. Chapter 406.01 of the Delano City Code – ANIMAL REGULATIONS AND LICENSES
Subdivision 24 is hereby amended to add the following:

Subd. 24. Keeping of Chickens

A. The keeping and maintaining of chickens shall be allowed in all residential districts by issuance of a chicken keeping license in accordance with Chapter 401.01 of this Code, and subject to compliance with the following standards:

1. The keeping of chickens shall only be allowed on properties that are legal conforming lots of record in their respective zoning district.
2. The keeping of chickens shall only be allowed in the following zoning districts:
 - a. R-A, Rural/Agricultural District
 - b. R-E, Single Family Estate Residential District
 - c. R-1, Single Family Residential District
 - d. R-2, Single Family Residential District
 - e. R-3, Single Family Residential District
 - f. R-4, Single and Two Family Residential District. Provided that the parcel contains a single-family home. Two (2) family homes are prohibited from keeping chickens on the property.

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- g. R-5, Single and Two Family Residential District. Provided that the parcel contains a single-family home. Two (2) family homes are prohibited from keeping chickens on the property.
- 3. Only a property owner shall be eligible to obtain a chicken keeping license for their property. In the case of properties where the owner does not reside on the property, written permission from the property owner must be obtained for the property to receive a license. In no case shall a property contain more than one license for the keeping of chickens.
- 4. A maximum of four (4) hen chickens shall be allowed per property.
- 5. The keeping of roosters, peacocks and waterfowl shall be prohibited.
- 6. The chickens shall be housed within an enclosed accessory building (coop and run) subject to the requirements of Part B of this Section.
- 7. Fencing used to contain chickens shall comply with Part B. of this Ordinance.
- 8. The license holder of the chickens shall control animal manure and dispose of it properly. No household waste (i.e. kitchen scraps) shall be used as chicken feed. The license applicant shall submit a narrative for a management plan that includes the following:
 - a. How the coop / run will be cleaned.
 - b. How manure will be collected, stored, and disposed of.
- 9. The feeding of chickens shall only take place inside the chicken coop / run.
- 10. The chickens must always remain inside the coop / run. Allowing chickens to "free range" is strictly prohibited.
- 11. If eggs are harvested, they shall not be offered for sale from the premises.
- 12. Grains and food stored on the premises shall be kept in rodent-proof containers and kept inside the principal building or an accessory building on the property.
- 13. Slaughtering of chickens and "cockfighting" are prohibited.
- 14. All grass and weeds shall be maintained in accordance with Chapter 805.01 Subdivision 3-A of the Delano City Code.
- 15. Any diseased or sick chickens shall be disposed of immediately in accordance with 406.01-Subdivision-14 of this Ordinance.
- 16. The fee for the chicken keeping license shall be as set forth by the City Council by Resolution.

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B. A chicken coop / run shall adhere to the following requirements:

1. The coop / run shall comply with applicable accessory building area requirements of the district in which it is located.
2. A coop / run shall not be placed closer than ten (10) feet to any lot line, except no coop / run shall be placed in a front yard or side yard, and in no event shall a coop / run be placed closer than fifty (50) feet of any dwelling unit other than the owner's property.
3. The coop / run shall be located closer to the principal structure on the property than any adjacent residential dwelling.
4. The coop / run shall be completely screened from view of adjacent properties and rights-of-way.
5. The coop / run shall be fully enclosed on all sides and top with one of the following materials:
 - a. Pressure-treated lumber.
 - b. Metal fencing intended for an animal closure.
 - c. Lumber intended for outdoor use such as cedar, teak, or redwood provided that it is painted to match the existing principal structure or other accessory structures on the property.
 - d. Materials commonly found on the exterior of a principal structure such as asphalt shingles, vinyl siding, metal siding, stucco, cement fiber, painted wood, or brick.
 - e. Other materials approved by City Staff.
6. In no case shall the following materials be used for the construction of a chicken coop or run:
 - a. Corrugated metal.
 - b. Cinder block.
 - c. Lumber not intended for exterior use.
 - d. Plywood, particle board or similar material.
 - e. Plastics of any kind.
 - f. Gypsum board.
7. The coop shall provide a minimum of four (4) square feet per animal in the coop; and the run shall contain a minimum of four (4) square feet per animal. In no case shall the footprint of the coop / run be larger than 200 square feet. If the coop is elevated two (2) feet above the ground so the chickens can access the space beneath, that area may be counted as a portion of the minimum run footprint.
8. The height of the coop / run shall not exceed eight (8) feet in height.

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9. The coop / run shall count against the property's number of accessory structures; and shall count against the property's accessory building square footage allowance.
10. In no case shall an existing accessory structure on the property that does not conform to these requirements be used as a chicken coop / run.
11. If the license holder is no longer keeping chickens, the coop / run shall be removed from the property within thirty (30) days of the chickens being removed from the property.

C. Enforcement.

1. A chicken keeping license shall expire for any of the following reasons:
 - a. If chickens are removed from the property for a period of thirty (30) days.
 - b. The license is revoked as outlined in Chapter 401.01 Subdivision 3.
 - c. A violation occurs as outlined below.
2. If a property receives three (3) or more valid complaints regarding the keeping of chickens, the chicken keeping license shall be revoked and the chickens must be removed from the property within thirty (30) days of the date of revocation. The license holder may appeal to the City Council for reinstatement of their license in accordance with Chapter 401.01 Subdivision 3 of the Delano City Code. Intent to appeal the revocation must be done in writing within thirty (30) days of the days of the date of revocation.
3. Any violation of this Section shall be considered a nuisance per Chapter 801.01 Public Nuisance Affecting Health; and is subject to an administrative fine in accordance with the Chapter 105.02 Administrative Citations and Fines; and / or license revocation in accordance with Chapter 401.01 of the City Code.
4. If a property has a chicken keeping license revoked, the property is not eligible for a new license unless a conveyance of the property has occurred, and the previous license holder no longer resides on the property.
5. The chicken keeping license shall apply only to the named applicant, shall not run with the land, and may not be transferred. It shall automatically terminate upon the vacation of the property by the applicant.

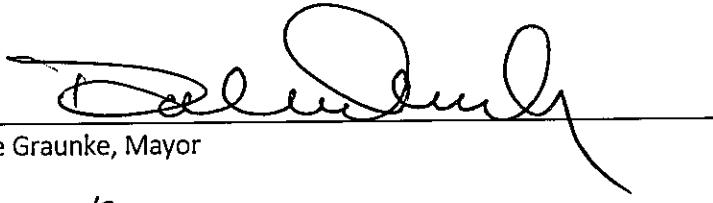
D. Appeal of chicken license revocation. If a chicken keeping license is revoked per Chapter 406.01 Subdivision 24-C. above, the license holder can file an appeal to the City Council under Chapter 401.01 Subdivision 3.

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Section 3. This ordinance shall take effect and be in full force after its passage and publication.

Adopted this 21st day of July, 2009 by the City Council of the City of Delano.


Dale Graunke, Mayor


Attest: Paula Bauman, Administrative Services Coordinator

