

CHAPTER 571
CHICKENS

Section

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571.01 Definitions.

The following terms, as used in this Chapter, shall have the meanings stated in this section:

“Chicken” means all life stages of the fowl of the genus *Gallus* and species *Gallus domesticus*.

“Coop” means a cage or pen for confining chickens.

“Hen” means a female chicken.

“Licensed Premises” means the lot for which a chicken license has been applied for or granted, as the applicable context requires.

“Lot” means a contiguous parcel of land under common ownership.

“Rooster” means a male chicken.

“Run” means an area inside a fence where chickens are kept and allowed to walk around.

571.02 General Prohibition.

No person shall keep a chicken within the corporate limits of the City except as allowed by this Chapter or Section 710.15 of the Code. This prohibition does not apply to those portions of the City zoned for agricultural purposes.

571.03 Licenses.

Subd. 1 License Required. A person may keep up to six (6) hens on a lot if the person holds a current chicken license issued pursuant to this Chapter and the hens are, at all times, confined to the lot described in the license. Roosters are prohibited

and may not be licensed. Each person holding a current chicken license shall at all times comply with the requirements of this Chapter.

Subd. 2 License Period. Chicken licenses are effective for one year commencing at the beginning of the day on July 1st of each year and expiring at the end of the day on June 30th of the following year. Each chicken license issued after July 1st shall run for a partial year from the beginning of the day the license was issued to the end of the applicable license period.

Subd. 3. License Application. A person desiring to keep hens in the City must apply for an annual chicken license using forms supplied by the City Clerk. An application for an initial license may be made at any time. An application for a renewal license may be made at any time after May 1st for the upcoming license period. The application for an initial or renewal license shall include, but not be limited to, the following information and agreements:

- A. The address of the lot where the hens will be kept.
- B. A scaled drawing showing the location, size, and dimensions of the coop and run including the distance of the coop and run from other structures on the licensed premises and neighboring property lines.
- C. The number of hens to be kept at the licensed premises.
- D. An agreement by the applicant that the licensed premises may be inspected by the City at any time to ensure compliance with this Chapter.
- E. A statement that the applicant understands the conditions and requirements of this Chapter.

Subd. 4. License Requirements. No chicken license shall be issued or renewed until the City Administrator (or his or her designee) has determined that all of the following conditions have been met:

- A. An application has been submitted with accurate and complete information.
- B. An inspection of the premises, coop and run described in the application has been performed by the City with the applicant's permission.
- C. Based on the application and inspection, the requirements of this Chapter have been met in regard to the construction and location of the chicken coop and run on the licensed premises.

- D. Based on the application and inspection, all other improvements and equipment required to meet the requirements of this Chapter have been installed on the premises.
- E. Public health and safety will not be endangered by granting or renewing the requested license.

Subd. 5. Fees.

- A. An application for a chicken license or a renewal chicken license shall be accompanied by the appropriate chicken license fee set forth in Section 1100 of the Waconia City Code. If an initial chicken license is for a partial year, the fee shall be prorated based upon the number of days between the preceding July 1st and the date of issuance as compared to the number of days between the date of issuance and the following June 30th, provided the minimum license fee shall be \$25.00 and an proration shall not reduce the license fee below such amount.
- B. If the application is denied, the license fee, less \$25.00, shall be returned to the applicant.
- C. If a license is surrendered by a license holder or revoked before the end of the license period, no refund shall be given.

571.04 Operation.

Subd. 1. General Requirements.

- A. The owner of the chickens must occupy the licensed premises for which the license was issued.
- B. Chickens must be confined on the licensed premises at all times, under control of the licensee, in a chicken coop or chicken run, and may not be kept in any part of the principal dwelling, garage, front yard, or side yard.
- C. All chicken grains and feed must be stored in a rodent proof container.
- D. Chickens shall not be kept for breeding purposes.
- E. The use of chickens for cockfighting is prohibited.

Subd.2 Coop and Run.

- A. All chickens shall be provided access to both a coop and a run.

- B. The coop and run shall be located in the rear yard of the licensed premises: i) setback from the principal dwelling; ii) not less than thirty-five (35) feet away from the principal dwellings on the adjacent properties; and iii) not less than ten (10) feet from the property lines of the licensed premises. In all cases, the coop and run shall be located closer to the principal dwelling of the licensed premises than to any principal dwelling on any adjacent properties. Further, the coop and run shall be set back at least twenty-five (25) feet from: i) any delineated wetland edge; or ii) the top of any bank of a pond, filtration basin, or infiltration basin. No coop or run shall be located in any easement or right-of-way area.
- C. Chicken coops shall have a maximum footprint area of ten (10) square feet per chicken and a minimum footprint area of five (5) square feet per chicken. Chicken runs shall have a maximum footprint area of twenty (20) square feet per chicken and a minimum footprint area of ten (10) square feet per chicken. The coop shall be elevated above ground and may not exceed a height of seven (7) feet as measured from the ground.
- D. The coop and run shall be completely enclosed and rodent proof. Further, the coop shall provide adequate protection from the elements and shall be winterized. All fencing and electrical work associated with the chicken coop and run shall comply with all building and zoning codes and all appropriate permits and licenses shall be obtained therefore.
- E. When a chicken license expires or is revoked, the licensee shall remove the coop and run from the licensed premises no later than sixty (60) days after the expiration or revocation date. Removal shall not be required, however, so long as a chicken license is renewed before it expires or within sixty (60) days after it expires.

Subd.3 Waste.

- A. The chicken coop and run shall be kept in a sanitary and odor free condition, including the regular and frequent removal, storage in a leak proof container and proper disposal of any accumulated feces or waste.
- B. Composting or burying feces, discarded feed or dead chickens on the licensed premises is prohibited.

571.05 Inspection.

The City may inspect a licensed premises at any time to confirm compliance with the requirements of this Chapter.

571.06 Revocation.

The City may revoke a chicken license if any requirement set forth in this Chapter is violated or if the Minnesota Department of Revenue sends the City notice requiring revocation. Nothing herein shall be interpreted as preventing the City from also prosecuting any violation of this Chapter as a criminal violation pursuant to Chapter 102 of the Waconia City Code.

571.07 Right to a Hearing.

Except for a denial or revocation required by the Minnesota Department of Revenue, any applicant that has been denied the issuance of a chicken license or any person whose chicken license has been revoked may, upon written request to the City Clerk promptly made after the denial or revocation has occurred, request a hearing before the City Council to present evidence and to appeal the decision.

571.08 Application of Chapter to Other Requirements.

Subd. 1 Private Restrictions and Covenants.

- A. Notwithstanding the issuance of a license by the City, private restrictions or covenants on the use of licensed premises shall remain enforceable. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant declarations.
- B. A chicken license issued to a person whose licensed premises is subject to private restrictions and/or covenants that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restrictions is the sole responsibility of the private parties involved.

Subd. 2 Coordination with Other Code Provisions.

- C. Compliance with this Chapter shall not be a defense to a proceeding alleging that a given chicken or group of chickens constitutes a nuisance.
- D. Compliance with this Chapter shall not be a defense to a proceeding alleging that a given chicken or group of chickens violates applicable ordinances regarding public health.