

- I will keep backyard chickens in accordance with all of the conditions prescribed by the City and I acknowledge that a failure to obey such conditions shall constitute a violation of the provisions of the City Code and the basis for revocation of the permit; with City conditions regarding backyard chickens;
- I reside on the Property;
- I have read and understand all City requirements listed on the application
- I have reviewed all educational materials provided with the application

Signature of applicant

Date

SITE PLAN

CONSENT

As owner of the property located at _____,
("Property"), I hereby authorize _____ to raise
chickens on the Property pursuant to a permit issued by the City of Elko New Market.

Dated: _____

By: _____

Print Name: _____

CITY OF ELKO NEW MARKET
SCOTT COUNTY, MINNESOTA

ORDINANCE NO. 2016 -130

**AN ORDINANCE AMENDING THE ELKO NEW MARKET CITY CODE TITLE 6,
CHAPTER 4 (ANIMAL CONTROL) AND TITLE 11 (ZONING) TO ESTABLISH
REGULATIONS RELATED TO THE KEEPING OF BACKYARD CHICKENS**

THE CITY COUNCIL OF THE CITY OF ELKO NEW MARKET ORDAINS:

SECTION 1. Section 6-4-2 of the Elko New Market City Code (Animal Control Definitions) is hereby amended to add the following definitions:

BACKYARD CHICKEN: A female chicken or hen which serves as a source of eggs.

COOP: A structure used for housing of backyard chickens as permitted by this Section.

ROOSTER: A male chicken.

RUN: An enclosed outdoor area, as permitted by the Section, within which backyard chickens may roam.

SECTION 2. Section 6-4-4 of the Elko New Market City Code (Nondomestic Animals) is hereby amended to read as follows:

6-4-4: NONDOMESTIC ANIMALS:

It shall be illegal for any person to own, possess, harbor, or offer for sale any nondomestic animal within the city limits. Any owner of such an animal at the effective date hereof 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 in this Chapter. Exceptions to this prohibition are as follows:

- A. The keeping of backyard chickens as regulated by Section 6-4-5-1 of the City Code.
- B. 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 or licensed show or exhibition.

SECTION 3. Section 6-4-5-1 of the Elko New Market City Code (Keeping of Backyard Chickens) is hereby added to read as follows:

6-4-5-1: KEEPING OF BACKYARD CHICKENS:

- A. Purpose. It is the purpose and intent of this Section to permit, but strictly limit, the keeping of backyard chickens as an egg source in a clean and sanitary manner which is not a nuisance to or detrimental to the public health, safety, and welfare of the City of Elko New Market.

- B. Keeping of Backyard Chickens Allowed. A person may keep up to four (4) backyard chickens on property zoned R-1, Suburban Single Family Residential as provided for in Section 11-25A-3 of the City Code and R-2, Urban (Small Lot) Single Family Residential as provided for in Section 11-25B-3 of the City Code provided that:
 - 1. The owner of the backyard chickens resides in a detached dwelling located upon the parcel at which the backyard chickens are kept.
 - 2. The owner of the subject parcel obtains a backyard chicken permit from the City, issued in compliance with this Section.

- C. Permit Required: A permit is required for the keeping of backyard chickens.
 - 1. Those desiring to keep backyard chickens shall file a written application with the City Clerk on a form provided by the City and pay an application fee.
 - 2. Application materials provided to first time applicants (by the City) shall include and educational pamphlet concerning the raising of backyard chickens in residential areas of the City. Such educational pamphlet shall be in a form approved by the City. Prior to permit issuance, applicants shall acknowledge, in writing, that they have read such pamphlet.
 - 3. The application shall include the following:
 - a. The breed and number of chickens to be maintained on the premises.
 - b. A written statement that the applicant shall, at all times, keep the backyard chickens in accordance with all of the conditions prescribed by the City and that failure to obey such conditions shall constitute a violation of the provisions of this Chapter and will be grounds for cancellation of the permit.
 - c. A legal description of the real property upon which it is desired to keep the chickens and evidence of title to the property.

- d. Consent of the property owner for the keeping of chickens.
 - e. A site plan of the property showing the location and size of the proposed chicken coop and run, setbacks from the chicken coop to property lines and surrounding buildings (including houses and buildings on adjacent lots), and the location, style, and height of fencing proposed to contain the chickens in a run or exercise area. Portable coops and cages are allowed, but portable locations shall be illustrated with the site plan.
 - f. The required permit fee in accordance with the City's adopted fee schedule.
 - g. Other information as may be required by the City Clerk necessary to process the permit.
 - h. The City Clerk and/or designee shall process the application.
4. All initial permits shall expire on December 31st of the following year after their issuance unless sooner revoked. Renewal permits shall expire on December 31st of the second year following their issuance unless sooner revoked.
 5. The City, upon written notice, may revoke a permit for failure to comply with provisions of this Section or any of the permit's conditions.
 6. The City may inspect the premises for which a permit has been granted in order to ensure compliance with this Section. If the City is not able to obtain the occupant's consent to enter the property, it may seek an administrative search warrant or revoke the permit
 7. The City may revoke any permit issued under this Section if the permit holder fails or refuses to comply with the requirements of this Section or any state or local law governing the cruelty to animals or the keeping of animals. Any person whose permit is revoked shall have the right to appeal the revocation according to the process provided under Section 4-1-11 of the City Code.
 8. Any person whose permit for the keeping of backyard chickens is revoked or who fails to renew a permit shall, within ten (10) days thereafter, humanely dispose of all chickens owned, kept or harbored by such person on the subject property.
- D. General Standards for the Keeping of Backyard Chickens.

1. The keeping of roosters is prohibited under this Section.
2. Backyard chickens shall not be raised or kept for the purpose of fighting.
3. Backyard chickens shall not be kept in a dwelling, garage or accessory structure other than those meeting the requirements of an enclosed coop.
4. All backyard chickens shall have access to an enclosed coop meeting the following minimum standards:
 - a. The enclosed coop may not occupy a front or side yard.
 - b. A maximum of one (1) coop per lot shall be permitted.
 - c. The enclosed coop shall have a minimum size of four (4) square feet per chicken and shall not exceed a maximum of forty (40) square feet in total area.
 - d. The enclosed coop shall be setback a minimum of twenty-five (25) feet from the principal structure, at least ten (10) feet from all property lines and shall not encroach upon utility easements.
 - e. The enclosed coop shall not exceed ten (10) feet in height.
 - f. The enclosed coop shall be the same or similar in color to the principal structure on the lot.
 - g. Enclosed coops shall be compatible with the principal building on the lot. Under no circumstances shall sheet metal, corrugated metal, asbestos, iron, plain concrete block (whether painted or color integrated or not) be deemed acceptable as major exterior wall materials. "Compatible" means that the exterior appearance of the coop (accessory building) is not at variance with the principal building from an aesthetic and architectural standpoint as to cause:
 1. A difference to a degree to cause incongruity.
 2. A depreciation of neighborhood values or adjacent property values.
 3. A nuisance which may have characteristics related to noise, dust, odors, glare, and unsightly building exterior.
 - h. The enclosed coop shall be built to protect the backyard chickens from extreme heat or cold.

- i. The enclosed coop shall be at all times maintained in a good condition.
 - j. The enclosed coop shall comply with all applicable Building Code requirements.
5. All backyard chickens shall have access to a run meeting the following minimum standards:
- a. The run shall be attached to and provided access to the coop.
 - b. The run shall be setback a minimum of twenty-five (25) feet from the principal structure, at least ten (10) feet from all property lines and shall not encroach upon utility easements.
 - c. A maximum of one (1) run per lot shall be permitted.
 - d. The run shall have a maximum size of twenty (20) square feet per chicken.
 - e. The run shall be fully enclosed and covered with durable materials. Structural components of the run shall be consistent with coop materials.
 - f. Fencing materials used as run components shall be consistent with fence requirements imposed in residential zoning districts as provided in Section 11-1-5 of the City Code.
 - g. The run shall be maintained in a good condition at all times.
6. The following minimum sanitation standards shall be observed at all times:
- a. The slaughtering of backyard chickens on the property is prohibited.
 - b. No chicken or chicken byproducts shall be sold upon the subject property.
 - c. All premises on which backyard chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surrounding area shall be cleaned frequently to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors to be detectable from another property. Failure to comply with these conditions may result in the removal backyard chickens from the premises and/or revocation the backyard chicken permit

- d. All grain and food stored for backyard chickens shall be kept indoors in a rodent-proof container.
- e. Backyard chickens shall be kept in such a manner which does not constitute a nuisance as provided for in Title 6, Chapter 5B of the City Code.
- f. Persons no longer intending to keep backyard chickens on the subject property shall notify the City in writing and remove the enclosed coop and run.
- g. The enclosed coop and run shall be removed from the property upon permit expiration and/or permit revocation at the property owner's expense.

SECTION 4. Section 11-2-2 of the Elko New Market City Code (Zoning Definitions) is hereby amended to add the following definition:

BACKYARD CHICKEN: A female chicken or hen which serves as a source of eggs.

SECTION 5. Section 11-25A-3 of the Elko New Market City Code (R-1 District - Permitted Accessory Uses) is hereby amended to add the following:

Keeping of backyard chickens as regulated by Section 6-4-5-1 of the City Code.


SECTION 6. Section 11-25B-3 of the Elko New Market City Code (R-2 District - Permitted Accessory Uses) is hereby amended to add the following:

Keeping of backyard chickens as regulated by Section 6-4-5-1 of the City Code.

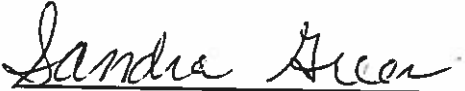
SECTION 7. This Ordinance shall become effective on June 1, 2016.

ADOPTED this 28th day of April, 2016, by the City Council of the City of Elko New Market.

CITY OF ELKO NEW MARKET

BY: 
Robert Crawford, Mayor

ATTEST:


Sandra Green, City Clerk