

CITY OF APPLE VALLEY  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF APPLE VALLEY, MINNESOTA, REVISING CHAPTER 91 OF THE CITY CODE REGULATING ANIMALS BY ESTABLISHING PERMITTING REQUIREMENTS AND REGULATIONS FOR THE KEEPING OF CHICKENS WITHIN THE CITY

The City Council of Apple Valley ordains:

Section 1. Chapter 91 of the Apple Valley City Code is amended by adding to Section 91.01 the following definitions to be alphabetized with the existing definitions and to read as follows:

**§ 91.01 DEFINITIONS.**

\* \* \* \*

**CHICK.** A chicken between the age of 0 to 4 weeks.

**CHICKEN.** Fowl of the genus Gallus and species Gallus domesticus that is commonly referred to as domesticated fowl.

**CHICKEN COOP.** Any structure used for the housing of chickens.

**CHICKEN RUN.** A outdoor area for the keeping and exercising of chickens.

**ROOSTER.** A male chicken.

Section 2. Chapter 91 of the Apple Valley City Code is amended by revising Section 91.06(D)(1) to read as follows:

**§ 91.06 ANIMALS WITHIN CITY LIMITS.**

\* \* \* \*

(D) *Keeping of certain animals prohibited.*

(1) Prohibited animals. No person shall keep, maintain or harbor within the city any of the following animals:

- (a) Any animal or species prohibited by Minnesota or federal law.
- (b) Farm poultry or farm animal, except in the following cases:

1. Farm poultry or farm animals may be kept on property zoned for agricultural uses.

2. Horses may be kept on property zoned R-1 Single Family Residential (minimum lot size of 40,000 sq. ft.).

3. Chickens when kept in compliance with this chapter.

Section 3. Chapter 91 of the Apple Valley City Code is amended by adding Section 91.07 to read as follows:

**§ 91.07 KEEPING OF CHICKENS.**

(A) Chicken permit required. It is unlawful for any person to keep, harbor, maintain, possess, or otherwise control any chicken within the city, except:

(1) On property zoned for agricultural uses (A);

(2) A chick kept for educational purposes on property zoned for institutional uses (P); or

(3) Pursuant to a permit issued by the city under this subdivision on a property zoned R-1, R-2, or R-3, or on a property designated for one family detached dwelling within a planned development.

(B) Permit application and fees. An application for a permit hereunder shall be filed with the Community Development Director or his/her designee upon an application form furnished by the city. The permit fee, which shall be paid and filed with the permit application, shall be in an amount established by City Council resolution. A permit issued hereunder shall be for the duration of two years from the date of issuance. The initial permit application shall include, but not be limited to, the following:

(1) The full name and address of the following persons:

(a) The applicant signed thereto; and

(b) The owner(s) of the premises on which chickens are sought to be kept and for which the permit would apply.

(2) The street address of the premises on which chickens are sought to be kept.

(3) The number of chickens sought to be kept on the premises up to a maximum of five.

(4) A detailed sketch plan of the premises on which chickens are sought to be kept. The sketch plan shall include: the location of the residence on the premises; the location of accessory structures on the premises; and the location, dimensions, and design of the chicken coop and chicken run and setbacks to the side and rear property lines. The information regarding

the coop and run shall establish compliance with the chicken coop and chicken run specifications provided in this subdivision.

(5) A statement certifying whether the property's homeowners' association rules, if any, prohibit the keeping of chickens on the property for which the application is sought.

(6) If the applicant is not the fee owner of the premises on which the chickens are sought to be kept and for which the permit would apply, the application shall be signed by all fee owners of the premises.

(7) Any other and further information the city deems necessary.

(C) Permit renewal application. At least 30 days prior to the expiration of the current permit, the applicant shall file with the Community Development Director or his/her designee on a form prepared by the city an application for permit renewal. There shall not be a fee for a timely filed application for permit renewal. The renewal permit application shall include, but not be limited to, the following:

(1) The number of chickens the applicant currently maintains on the property;

(2) Confirmation that the chicken coop and chicken run remain in the same location on the premises. If the applicant seeks to move the location of the structure, the applicant shall file an initial permit application and pay the permit fee therefor; and

(3) Any other and further information the city deems necessary.

(D) Granting or denying issuance of permit. The Community Development Director or his/her designee may grant an initial or renewal permit under this subdivision; however, a permit may not be issued or renewed unless the application filed demonstrates compliance with the requirements of this subdivision. A permit shall not be issued or renewed until the city inspects and approve the premises, including the chicken coop and chicken run, at which chickens are sought to be kept. At the city's discretion, the inspection may occur through the review of documentation and photos specified by the city. The Community Development Director or his/her designee shall deny a permit hereunder for any of the following reasons:

(1) The application is incomplete or contains false, fraudulent or deceptive statements.

(2) The applicant does not or has not complied with one or more of the provisions of this subdivision.

(3) The premises for which the permit is sought, including, but not limited to, the proposed or existing chicken coop or chicken run, is not in compliance with any provisions of this subdivision, other City Code provisions or state laws relating to zoning, health, fire, building or safety.

(4) The proposed chicken coop or chicken run would result in a violation of or be inconsistent with the accessory structure zoning regulations elsewhere in this Code.

(5) The applicant or owner of the premises where the chickens are to be kept has been convicted of a violation under this subdivision or a similar regulation of this state or political subdivision thereof.

(6) The applicant does not own or lease the chickens proposed to be kept on the premises.

(7) The applicant is not the occupant of the premises for which the permit is sought to be issued.

(E) Conditions of permit. A permit granted under this subdivision shall be subject to the following conditions:

(1) Occupancy. The owner of the chickens must occupy the premises for which the permit is issued;

(2) Inspection. The premises, including the chicken coop and chicken run thereon, for which a permit is issued shall at all reasonable times be open to inspection by the Community Development Director or his/her designee or any other city official to determine compliance with this subdivision, other City Code provisions and state laws relating to zoning, health, fire, building or safety;

(3) Transferability of permit. A permit issued hereunder shall be nontransferable. It is unlawful to keep, harbor, maintain, possess, or otherwise control any chicken on property that is not identified on the permit.

(4) Specifications for chicken feed. All feed for the chickens shall be stored in metal, water-tight, vermin-proof containers with properly fitting lids.

(5) Specifications of chicken coop and chicken run. A chicken coop and chicken run are required. The construction and location of the chicken coop and chicken run shall be in compliance with the applicable building and zoning regulations of the city and the following requirements:

(a) The interior floor space of the chicken coop shall be a minimum size of five square feet for each chicken authorized under the permit.

(b) The chicken coop and chicken run shall be professionally constructed or of similar construction standards and materials. The exterior finish materials of the chicken coop shall be: (i) weather-resistant, protective covering material, decay-resistant wood, or if exterior finish wood is not decay resistant, then the wood finish shall be protected from the elements and decay by paint or protective covering (e.g., siding, fascia wrap); and (ii) in accordance with the accessory structure regulations set forth in the zoning regulations in this Code.

(c) The construction of and materials used for the chicken coop and chicken run must be adequate to prevent access by rodents.

(d) The chicken run shall be attached to the chicken coop. The chicken coop and run shall be deemed as a single accessory structure and subject to the accessory structure regulations set forth in the zoning regulations of this Code.

(e) The floor area of the chicken run shall be a minimum size of ten square feet for each chicken authorized under the permit.

(f) The total square footage of the chicken coop and chicken run shall not exceed 100 square feet.

(g) The chicken run shall be fully enclosed by fencing or other similar material and may include a roof instead of fencing over the top of the run.

(h) The chicken coop and chicken run shall be located on the premises in compliance with the following setbacks: (i) at least ten feet from the rear lot line; (ii) at least ten feet from the side lot lines; (iii) the chicken coop and chicken run shall be closer to the residence on the permitted property than an inhabitable building on a neighboring property.

(i) The chicken coop and chicken run, or any portion thereof, shall not be located in the front yard, which is defined as any area located between the front lot line and the front setback line or front building line, whichever is further from the front lot line, running from side lot line to side lot line.

(j) The chicken coop and chicken run shall be kept in good repair as to be in compliance with the property maintenance regulations elsewhere in this Code.

(k) The chicken coop and chicken run shall be kept in a sanitary and odor-free condition, including the regular and frequent removal and proper disposal of any accumulated chicken feces or waste, dirt or filth that could create a safety or health hazard. Composting of chicken feces and waste is prohibited.

(l) The chicken coop and chicken run shall be immediately removed when: (i) a permit granted under this subdivision expires or is revoked; or (ii) when the chicken coop and chicken run are no longer used for harboring chickens.

(m) Supplying electricity to the chicken coop or chicken run by extension cord is not permitted. A separate electrical permit shall be required to install a supply of electricity to the chicken coop or chicken run.

(6) Regulations. The keeping, harboring, maintaining, or possessing of any chicken under a permit issued pursuant to this subdivision shall be in accordance with the following:

(a) No more than five chickens shall be kept or harbored on the premises to which the permit applies.

(b) Roosters are prohibited.

(c) Slaughtering of chickens on any property zoned for residential or institutional use is prohibited.

(d) No chickens shall be kept, maintained, housed or permitted inside any residential dwelling or any garage.

(e) Chickens shall be kept in the chicken coop or chicken run at all times. When transferring a chicken into or out of the coop or run, the chicken shall be transported in a fully enclosed container such as a cage.

(f) Chickens shall not be kept in such a manner as to constitute a public nuisance. Any violation of the provisions of this subdivision shall be deemed a public nuisance.

(g) No chicken eggs shall be sold or offered for sale; all chicken eggs shall be for personal use or consumption.

(7) Revocation of permit. A violation of any provision of this subdivision or any provisions of the permit issued hereunder shall constitute grounds for revocation of a permit.

Section 4. Summary approved. The City Council hereby determines that the text of the summary marked "Official Summary of Ordinance No. \_\_\_\_\_" a copy of which is attached hereto clearly informs the public of the intent and effect of the ordinance. The City Council further determines that publication of the title and such summary will clearly inform the public of the intent and effect of the ordinance.

Section 5. Filing. A copy of the ordinance shall be filed in the office of the City Clerk. This copy shall be available for inspection by any persons during regular office hours.

Section 6. Publication. The City Clerk shall publish the title of this ordinance and the official summary in the official newspaper of the City with notice that a printed copy of the ordinance is available for inspection by any person during regular office hours at the Office of the City Clerk.

Section 7. Effective date. This ordinance shall take effect upon its passage and the publication of its title and the official summary.

PASSED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Clint Hooppaw, Mayor

ATTEST:

\_\_\_\_\_  
Pamela J. Gackstetter, City Clerk

DRAFT

CITY OF APPLE VALLEY  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF APPLE VALLEY, MINNESOTA, REVISING CHAPTER 91 OF THE CITY CODE REGULATING ANIMALS BY ESTABLISHING PERMITTING REQUIREMENTS AND REGULATIONS FOR THE KEEPING OF CHICKENS WITHIN THE CITY.

The following is the official summary of Ordinance No. \_\_\_\_\_ passed by the City Council of Apple Valley on \_\_\_\_\_, 2021:

Chapter 91 of the City Code is revised to add chicken related definitions and to permit the keeping of up to five chickens on property zoned “R-1,” “R-2,” or “R-3,” or on property designated for one family detached dwelling within a planned development, subject to regulations and a two year permit. Chapter 91 of the City Code is amended to permit the keeping of a chick for educational purposes on property zoned “P” for institutional uses.

A printed copy of the ordinance is available for inspection by any person during regular office hours in the office of the City Clerk at the Apple Valley Municipal Center, 7100 147th Street W., Apple Valley, Minnesota 55124.