

Ordinance 979

An Ordinance Allowing the Keeping of Poultry in All Zoning Districts

The Maplewood City Council approves the following changes to the Maplewood Code of Ordinances:

Section 1. This section amends the Maplewood Zoning Code to amend definitions for livestock and poultry.

Sec. 44-6. Definitions.

Livestock means horses, cattle, mules, asses, goats, sheep, swine, buffalo, llamas, ostriches, reptiles, genetic hybrids of the foregoing, and other living animals usually kept for agriculture, husbandry, or the production of edible or salable byproducts. This definition shall be expressly construed as having no application to the ownership or disposition of poultry.

Poultry means domesticated birds in the order of *Galliformes* (excluding the genus *Meleagris*) that serve as a source of eggs or meat.

Section 2. This section amends the Maplewood Zoning Code to allow the keeping of poultry in the Single Dwelling Residential zoning districts with a permit.

Sec. 44-103. Prohibited uses.

The following uses are prohibited in the R-1 Residence district:

- (1) The raising or handling of livestock (except for goats and sheep outlined in Chapter 10, Article X, Goats and Sheep) or animals causing a nuisance, except for licensed kennels.
- (2) Accessory buildings without an associated dwelling on the same premises.
- (3) Commercial plant nurseries, commercial greenhouses, farms or any structure for the sale or display of commercial products, when not on a property with a residential use.

Section 3. This section amends the Maplewood Zoning Code to allow the keeping of poultry in the Rural Residential zoning districts with a permit.

Sec. 44-118. - Uses.

- (3) Prohibited uses. The city prohibits the following uses in the R-1R zoning district:
 - (b) The raising or handling of livestock (except for goats and sheep outlined in Chapter 10, Article X, Goats and Sheep) or animals causing a nuisance, except for licensed kennels.

Section 4. This section amends the Maplewood Zoning Code to allow the keeping of poultry in the Small-Lot Single-Dwelling zoning districts with a permit.

Sec. 44-192. Uses.

(b) Prohibited uses.

- (1) Accessory buildings without an associated dwelling on the same premises.
- (2) The raising or handling of livestock or animals causing a nuisance, except for licensed kennels.

Section 5. This section adds language to the city's Animal Ordinance (Chapter 10) to address the permitting requirements for poultry in all zoning districts.

Chapter 10 (Animals), Article IX (Poultry)

Sec. 10-476. Definitions.

Brooding means the period of poultry growth when supplemental heat must be provided, due to the bird's inability to generate enough body heat.

Coop means the structure for the keeping or housing of poultry permitted by the ordinance.

Exercise yard means a larger fenced area that provides space for exercise and foraging for the birds when supervised.

Officer means any person designated by the city manager as an enforcement officer.

Poultry means domesticated birds in the order of *Galliformes* (excluding the genus *Meleagris*) that serve as a source of eggs or meat.

Rooster means a male domesticated bird in the order of *Galliformes*.

Run means a fully enclosed and covered area attached to a coop where the poultry can roam unsupervised.

Sec. 10-477. Purpose.

It is recognized that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding past time. Therefore, it is the purpose and intent of this ordinance to permit the keeping and maintenance of poultry for egg and meat sources in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety, and welfare of the community.

Sec. 10-478. Investigation and Enforcement.

Officers designated by the city manager shall have authority in the investigation and enforcement of this article, and no person shall interfere with, hinder or molest any such officer in the exercise of such powers. The officer shall make investigations as is

necessary and may grant, deny, or refuse to renew any application for permit, or terminate an existing permit under this article.

Sec. 10-479. Limitations for the keeping of poultry:

- (a) Keeping of poultry is allowed in all zoning districts with a permit.
- (b) Number of Poultry: Up to ten (10) poultry on any lot.
- (c) Roosters: Roosters are prohibited.
- (d) Slaughtering: Slaughtering of poultry on the property is prohibited.
- (e) Coop Standards: A separate coop is required to house the poultry. Coops must be constructed and maintained to meet the following minimum standards:
 - (1) Located in the rear or side yard.
 - (2) Setback at least five (5) feet from the rear or side property lines.
 - (3) Interior floor space – four (4) square feet per bird.
 - (4) Interior height – adequate room to allow access for cleaning and maintenance.
 - (5) Doors – one (1) door to allow humans to access the coop and one (1) for birds (if above ground level, must also provide a stable ramp).
 - (6) Windows – one (1) square foot window per ten (10) square feet floor space. Windows must be able to open for ventilation.
 - (7) Climate control – adequate ventilation and/or insulation to maintain the coop temperature between 32 – 85 degrees Fahrenheit.
 - (8) Nest boxes – one (1) box per every three (3) birds.
 - (9) Roosts – shall be sufficient for the number of birds in the coop.
 - (10) Rodent proof – coop construction and materials must be adequate to prevent access by rodents.
 - (11) Coops shall be constructed and maintained in a workmanlike manner.
- (f) Poultry Run: A run or exercise yard is required.
 - (1) Runs must be constructed and maintained to meet the following minimum standards:
 - a) Location: rear or side yard.

- b) Size: Ten (10) square feet per bird, if access to a fenced exercise yard is also available; sixteen (16) square feet per bird, if access to an exercise yard is not available. If the coop is elevated two (2) feet so the poultry can access the space beneath, that area may count as a portion of the minimum run footprint.
- c) Height: Adequate room to allow access for cleaning and maintenance.
 - 1) Gate: One gate to allow human access to the run.
 - 2) Cover: Adequate to keep poultry in and predators out.
 - 3) Substrate: Composed of material that can be easily raked or regularly replaced to reduce odor and flies.
- (2) Exercise Yards: Exercise yards must be fenced and is required if the run does not provide at least sixteen (16) square feet per bird. Exercise yards must provide a minimum of one-hundred seventy-four (174) square feet per bird.
- (g) Prohibited Storage of Poultry:
 - (1) Poultry must not be housed in a residential house or commercial building.
 - (2) Poultry must not be housed in an attached or detached garage, except for brooding purposes only.
- (h) Unsanitary Conditions: All premises on which poultry are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surrounding must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property. Failure to comply with these conditions may result in the officer removing poultry from the premises and/or revoking a poultry permit.
- (i) Food Storage: All grain and food stored for the use of the poultry on a premise with a poultry permit shall be kept in a rodent proof container.
- (j) Nuisances: Poultry shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent property.
- (k) Disposal: Dead poultry must be disposed of according to the Minnesota Board of Animal Health rules which require poultry carcasses to be disposed of as soon as possible after death, usually within forty-eight (48) to seventy-two (72) hours. Legal forms of poultry carcass disposal include burial, off-site incineration or rendering, or composting.

Sec. 10-480. Permit

- (1) Permit required.

The officer shall grant a permit for poultry after the applicant has obtained the written consent of at least 60 percent of the owners or occupants of privately or publicly owned real estate that are located adjacent (i.e., sharing property lines) on the outer boundaries of the premises for which the permit is being requested, or in the alternative, proof that the applicant's property lines are one hundred fifty (150) feet or more from any house or business.

Where an adjacent property consists of a multiple dwelling or multi-tenant property, the applicant need obtain only the written consent of the owner or manager, or other person in charge of the building. Such written consent shall be required on the initial application and as often thereafter as the officer deems necessary.

(2) Application.

Any person desiring a permit required under the provisions of this article shall make written application to the city clerk upon a form prescribed by and containing such information as required by the city clerk and officer. Among other things, the application shall contain the following information:

- (a) A description of the real property upon which it is desired to keep the poultry.
- (b) The genus and number of poultry to be maintained on the premises.
- (c) A site plan of the property showing the location and size of the proposed poultry coop and run, setbacks from the poultry 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 poultry in a run or exercise area. Portable coops and cages are allowed, but portable locations must be included with the site plan.
- (d) Statements that the applicant will at all times keep the poultry in accordance with all of the conditions prescribed by the officer, or modification thereof, and that failure to obey such conditions will constitute a violation of the provisions of this chapter and grounds for cancellation of the permit.
- (e) Such other and further information as may be required by the officer.

(3) Permit conditions.

If granted, the permit shall be issued by the city clerk and officer and shall state the conditions, if any, imposed upon the permitted for the keeping of poultry under this permit. The permit shall specify the restrictions, limitations, conditions and prohibitions which the officer deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to protect the public health and safety. Such permit may be modified from time to time or revoked by the officer for failure to conform to such restrictions, limitations, prohibitions. Such modification or revocation shall

be effective after ten (10) days following the mailing of written notice thereof by certified mail to the person or persons keeping or maintain such poultry.

(4) Violations.

- (a) Any person violating any of the sections of this ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be punished in accordance with section 1-15.
- (b) If any person is found guilty by a court for violation of this section, their permit to own, keep, harbor, or have custody of poultry shall be deemed automatically revoked and no new permit may be issued for a period of one (1) year.
- (c) Any person violating any conditions of this permit shall reimburse the city for all costs borne by the city to enforce the conditions of the permit including but not limited to the pickup and impounding of poultry.

(5) Required; exceptions.

No person shall (without first obtaining a permit in writing from the city clerk) own, keep, harbor or have custody of any live poultry.

(6) Fees; issuance.

For each poultry permit the fee is as may be imposed, set, established and fixed by the City Council, by resolution, from time to time.

(7) Term.

Permits issued under this division shall have a duration period of two years. The first two years of a permit shall require an annual inspection after year one. The expiration date of such permit is as may be imposed, set, established and fixed by the city clerk, from time to time. A permit renewal application shall be filed with the office of the city clerk prior to the expiration date.

(8) Revocation.

The city manager may revoke any permit issued under this ordinance if the person holding the permit refuses or fails to comply with this ordinance, with any regulations promulgated by the city council pursuant to this ordinance, or with any state or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within ten (10) days thereafter, humanely dispose of all poultry being owned, kept or harbored by such person, and no part of the permit fee shall be refunded.

Sec. 10-481 – 10-491. Reserved.

The Maplewood City Council approved this ordinance on June 11, 2018.