

**CITY OF MOUNTAIN LAKE, MN**

**ORDINANCE #5-19**

**AN ORDINANCE OF THE CITY OF MOUNTAIN LAKE AMENDING 8.12 ANIMAL  
REGULATION AND ADDING SUBDIVISION 9 – RESIDENTIAL BACKYARD  
CHICKENS**

The City Council of the City of Mountain Lake ordains that Section 8.12 of Chapter 8 of the Mountain Lake City Code include the following additions and amendments as follows:

Added language is *italicized*.

**Section 8.12** Animal Regulation

Subdivision 1. Definitions.

For the purpose of this Section:

5. *“Chickens or Hen Bantams” shall mean a domesticated bird that serves as a meat or egg source.*

Subdivision 2. Ownership of Animals.

- A. Farm. The keeping of farm animals, with the exceptions of bees *and residential backyard chickens*, will be allowed as a conditional use in the Farm Animal Overlay District when the requirements of Subdivision 6 are met. An exception shall be made for animals brought into the City as part of an operating zoo, scientific research laboratory, veterinarian clinic, or show or exhibition.
- B. *Residential Backyard Chickens. The keeping of hens and hen bantams in the Residential (R) District consisting of a single-family dwelling unit are allowed when the requirements as found in Subdivision 9 are met.*

Subdivision 9. Residential Backyard Chickens

*The keeping of hens and hen bantams in the residential zoned areas of the city on property consisting of a single-family dwelling is allowed, subject to the following:*

- A. *License Required.*

*Any person who keeps hens or hen bantams in the City shall obtain a license from the City prior to acquiring the hens or hen bantams. Application shall be made to City Hall, and the fee for the license shall be set by ordinance or resolution.*

- B. *License Period.*

*Licenses are valid for the calendar year and shall expire and become invalid on December 31<sup>st</sup> at the end of the calendar year after the date of issuance; prorating the fee is not allowed. A person who wishes to continue keeping hens or hen bantams shall have obtained a new license on or before January 1<sup>st</sup>. Application for a new license shall be pursuant to the administrative procedures and requirements that are applicable at the time the person applies for a new license.*

*C. Ownership of Backyard Chickens.*

*A person who keeps or houses hens or bantams on his or her property shall comply with all of the following requirements:*

- 1. No more than (6) hens and/or hen bantams may be kept on any one zoning lot. Hereinafter “hens” and “hen bantams” will be referenced collectively as “chickens.”*
- 2. The principal use of the property shall be a single-family dwelling, and the license applicant must be the owner of the property.*
- 3. No person shall keep any rooster.*
- 4. No person shall slaughter any chickens.*
- 5. Chicken fighting shall not be allowed within city limits.*
- 6. All persons keeping chickens must have a chicken coop to house the chickens and a chicken run. The coop and chicken run must meet the following minimum requirements:*
  - a. The coop must be fully enclosed, windproof, and meet accessory structure standards as found in Section 9.11 Subdivision 4.5.*
  - b. The coop shall comply with current zoning and building codes.*
  - c. The coop shall contain at least four (4) square feet of floor area per chicken.*
  - d. The chicken run shall comply with current zoning codes.*
  - e. The chicken run shall require fence and be securely constructed with mesh type material and be attached to the coop.*
  - f. The chicken run shall be fully enclosed with mesh type material or other enclosing material to prevent escapes or interferences with outside animals.*
  - g. The chicken run shall provide at least ten (10) square feet of open area per chicken.*
- 7. A person shall not keep chickens in any location on the property other than in the chicken coop and chicken run in the rear yard. For purposes of this section “rear yard” means that portion of a lot enclosed by the property’s*

*rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the dwelling and extending to the side lot lines.*

- 8. No chicken coop or chicken run shall be located closer than ten (10) feet to any property line of an adjacent property.*
- 9. No chicken coop or chicken run shall be located closer than thirty (30) feet to any primary residential dwelling on another person's property.*
- 10. Chickens shall not be housed in a dwelling or an attached or detached garage.*
- 11. The chicken coop and chicken run shall be constructed or repaired to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.*
- 12. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with the food and other associated items.*
- 13. All premises on which chickens are kept or maintained shall be kept in a clean, sanitary, and healthy manner from filth, garbage, and any substances and all droppings and body excretions collected weekly. All waste must be properly disposed of or composted.*
- 14. Dead chickens shall be disposed of according to the Minnesota Board of Animal Health rules, which require chicken carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours. Legal forms of chicken carcass disposal include offsite burial, offsite incineration or rendering, or offside composting.*
- 15. Coop and run must be removed or refurbished for other allowed accessory structure uses if keeping of chickens is discontinued for more than 12 months.*
- 16. A person who has been issued a license freely and voluntarily consents to a search and examination of the chicken enclosure in his/her rear yard upon demand by any Police Officer or Code Enforcement Officer.*

*D. Penalty.*

*If any of the above requirements are not complied with, the City may revoke any license granted under this section and/or initiate prosecution of the license holder and/or any other person violating the code.*

Subdivision 910. Adoption of Fees.

All fees for conditional use permitting, licensing, impounding and maintenance of animals, including penalties for late application, may be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such fees may from time to time be amended by the Council by resolution. A copy of the resolution setting forth currently effective fees shall be kept on file in the office of the City Administrator and open to inspection during regular business hours.

Subdivision 4011. Penalty.

Any violation of this section is punishable as a petty misdemeanor.

Passed by the City Council of Mountain Lake, Minnesota this 5<sup>th</sup> day of August, 2019.

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Mike Nelson, Mayor

Attest:

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Michael Schulte, City Administrator