

**CITY OF HOPKINS
COUNTY OF HENNEPIN**

ORDINANCE NO. 2020-1156

**ORDINANCE AMENDING CHAPTER 6 OF THE
HOPKINS CITY CODE REGARDING CHICKENS**

THE CITY COUNCIL OF THE CITY OF HOPKINS HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Hopkins City Code, Part II, Chapter 6, Article II, Section 6-1 is hereby amended by adding the double-underlined language and deleting the ~~stricken~~ language as follows:

Sec. 6-1. – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means any warm-blooded mammal, inclusive of, but not limited to, dogs and cats, as well as any reptiles or birds. The term "animal" does not include non-domesticated animals.

Animal control authority means the city police department.

Animal shelter means premises designated by the council for the purpose of caring for animals impounded pursuant to this chapter.

Butchering means to slaughter or cut up (an animal) for food.

Chicken means a domesticated fowl of the genus Gallus or species G. Gallus.

Chicken coop means an enclosed structure used for the housing of chickens.

Chicken run means an enclosed outside yard for the keeping and exercising of chickens.

Dangerous animal as defined by state law.

Dog at-large or running at-large means a dog not on the owner's premises and not under restraint.

Dwelling unit has the meaning provided in section 102-4.

Farm animal means an animal that is normally found on a farm, ranch or stable. Such animals include, but are not limited to, horses, cattle, sheep, goats, and swine, ~~and chickens~~.

Harvesting means the slaughtering of chickens.

Hen means a female chicken.

Non-domesticated animal means any wild animal, reptile or fowl that is not naturally tame or gentle but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics would constitute a danger to human life or property.

Other poultry means domesticated fowls, such as turkeys, geese and ducks excluding chickens.

Owner means a person who owns, keeps or harbors an animal.

Potentially dangerous animal means as defined by state law.

Premises means a building, structure, shelter or land where a dog or other animal is kept or confined.

Rooster means a male chicken.

Tag means the license tag required under this chapter.

Under restraint means on a leash of not more than six feet in length and in the custody of a person of sufficient age to adequately control the dog; in a vehicle, or on the owner's property.

SECTION 2. Hopkins City Code, Part II, Chapter 6, Article II is hereby amended by adding the double-underlined language as follows:

Sec. 6-30. – Chicken licenses.

- (a) *Purpose.* The purpose and intent of sections 6-30 through 6-32 is to permit the keeping of chickens in certain residential areas in a manner that is clean and sanitary and unlikely to become a nuisance or otherwise become detrimental to the public health, safety and welfare of the community. These sections are intended to only allow hens pursuant to the requirements contained herein and the keeping or harboring of roosters and other poultry is expressly prohibited.
- (b) *License required.* No person may keep, harbor, maintain, care for, or control chickens in the City without a license issued pursuant to this section. Chicken licenses may only be issued to persons located in requesting to keep chickens in the City's R-1 zoning districts (R-1-A, R-1-B, R-1-C, R-1-D, R-1-E).
- (c) *Application for license.* A person applying for a chicken license must supply the information required on a City-provided license application, which shall include, but not necessarily be limited to, the number of chickens to be kept, dimensions and materials of a chicken coop and/or chicken run, a site plan showing the location of a proposed chicken coop and/or chicken run in relation to other existing structures and lot lines, and a written plan for keeping the premises clean and free of waste material, objectionable odors, and predators. For non-homesteaded properties, written permission from the owner of the property must also be submitted with any license application.
- (d) *License fee.* A license fee may be established by the City and included in the City's fee schedule, and said fee must be paid at the time of making application.
- (e) *License issuance; term.* A license may be issued by the City if all requirements of the Hopkins City Code are deemed satisfied and will remain satisfied upon the issuance of the license under the circumstances proposed. A license shall be valid for two years and a renewal application must be submitted by a licensee at least 30 days prior to license expiration to ensure no lapse in licensure.

Sec. 6-31. – Proper confinement, care and maintenance of chickens.

(a) Chicken requirements. In addition to obtaining a license, all chicken owners within the City shall adhere to the following requirements:

- (1) Only hens may be kept, harbored, maintained, cared for, or controlled in the City. The keeping, harboring, maintaining, caring for, or controlling of roosters or any other poultry is prohibited under all circumstances.
- (2) The maximum number of chickens allowed shall comply with the information detailed in the table below.

<u>Maximum Number of Chickens Allowed in Residential Districts</u>	
<u>District</u>	<u>Number of Chickens Allowed⁴</u>
<u>R-1-A & R-1-B</u>	<u>2 plus 1 additional Chicken for every 4,356 square feet of lot area over 6,000 square feet (maximum of 4).</u>
<u>R-1-C</u>	<u>3 plus 1 additional Chicken for every 4,356 square feet of lot area over 12,000 square feet (maximum of 4).</u>
<u>R-1-D & R-1-E</u>	<u>4</u>

- (3) Chickens must at all times remain confined on the premises and in a chicken coop and/or chicken run located in the property’s rear yard, as that term is defined in Hopkins City Code, section 102-4.
- (4) Chickens may not be located in any part of a dwelling, garage, or any other accessory structure other than a chicken coop or chicken run, except that chickens under the age of six weeks may be temporarily kept indoors for brooding purposes.
- (5) Licensees must provide City staff with access to the premises at any time requested to verify compliance with the City’s chicken regulations or in response to any complaint of a violation.
- (6) The harvesting or butchering of chickens on the premises is prohibited.
- (7) Selling chickens or chicken eggs on the premises is prohibited.
- (8) No chickens may be kept or raised in a manner as to cause injury or annoyance to persons or other animals on other properties in the vicinity of the premises, whether due to noise, odor, filth, or otherwise.
- (9) All grain and food stored for the use of the chickens shall be kept in rodent-proof and leak-proof containers with tight-fitting covers.
- (10) Chicken coops and chicken runs shall be maintained in a clean and sanitary condition, and in good repair. Flies, rodents and objectionable odors shall be contained.

(11) Chicken coops and chicken runs shall be kept free of accumulated fecal matter and all collected fecal material shall be bagged and properly disposed of at least once a week. Stored fecal matter must be kept in a leak-proof container with a tight-fitting cover until removal from the premises.

(12) Chicken feces, discarded chicken feed, and dead chickens shall not be composted.

(b) Chicken coop requirements. All chicken coops in the City shall adhere to the following requirements:

(1) Must be constructed to adequately keep chickens in and predators out. A coop shall be fully enclosed and wind proof with a well-ventilated roof to prevent escape by chickens or entrance by migratory birds and rodents.

(2) Maximum size must comply with the information detailed in the table below and must not exceed seven feet (7') in total height.

Maximum Size of Chicken Coop	
Maximum Number of Chickens Allowed	Maximum Size
<u>Two (2) Chickens</u>	<u>Twelve (12) square feet</u>
<u>Three (3) Chickens</u>	<u>Eighteen (18) square feet</u>
<u>Four (4) Chickens</u>	<u>Twenty Four (24) square feet</u>

(3) Be screened from view by a fence or landscaped buffer with a minimum height of four (4) feet. A fence shall require a separate permit consistent with the standards in Section 102-13. Landscaping may consist of shrubs or trees but shall provide a minimum 50 percent opacity screen when planted.

(4) Provide adequate protection from the elements and be able to be winterized. Heaters are strictly prohibited.

(5) Be located in the rear yard of the premises and shall be setback at least five (5) feet from any on-site or adjacent residential structure or business and conform with the property line setbacks detailed in the table below.

Chicken Coop Minimum Setback Requirements	
District	Setback from all property lines
<u>R-1-A & R-1-B</u>	<u>10 Feet from a side (including corner lots) or rear property line. 3 feet from a rear property line abutting an alley.</u>
<u>R-1-C</u>	<u>15 Feet</u>
<u>R-1-D & R-1-E</u>	<u>20 Feet</u>

(6) May be made mobile, but must meet all requirements of this section at all times and must be returned to their proper location while unattended or after sunset.

(c) Chicken run requirements. All chicken runs in the City shall adhere to the following requirements:

(1) The maximum size must comply with the information detailed in the table below and must not exceed seven feet (7') in total height.

<u>Maximum Size of Chicken Run</u>	
<u>Maximum Number of Chickens Allowed</u>	<u>Maximum Size</u>
<u>Two (2) Chickens</u>	<u>Forty (40) square feet</u>
<u>Three (3) Chickens</u>	<u>Sixty (60) square feet</u>
<u>Four (4) Chickens</u>	<u>Eighty (80) square feet</u>

(2) Must be enclosed with fencing, weather resistant/green treated wood and/or sealed with a weather resistant product and/or woven wire materials, and may allow chickens to contact the ground.

(3) Must have a protective overhead netting to keep the chickens separated from other animals.

(4) A fence permit may be required pursuant to Hopkins City Code, Section 102-13.

(5) Must be located in the rear yard of the premises and shall be setback at least five (5) feet from any on-site or adjacent residential structure or business and conform with the property line detailed in the table below.

<u>Chicken Run Minimum Setback Requirements</u>	
<u>District</u>	<u>Setback from all property lines</u>
<u>R-1-A & R-1-B</u>	<u>10 Feet from a side (including corner lots) or rear property line. 3 feet from a rear property line abutting an alley.</u>
<u>R-1-C</u>	<u>15 Feet</u>
<u>R-1-D & R-1-E</u>	<u>20 Feet</u>

(6) May be made mobile, but must meet all requirements of this section at all times and. must be returned to their proper location while unattended or after sunset.

Sec. 6-32. – Revocation; denial.

(a) A license applied for or issued under section 6-30 may be denied or revoked for any of the following reasons:

(1) The licensee has violated any regulation or provision of this code applicable to the keeping, harboring, maintaining, caring for, or controlling of chickens.

(2) The licensee has failed to continuously comply with any conditions attached to the license.

- (3) The licensee has been convicted of any crime in any jurisdiction that relates to the mistreatment of or cruelty toward animals.
 - (4) The licensee has exceeded the maximum number of chickens permitted in their zoning district.
 - (5) The licensee has an active arrest warrant for a Property Maintenance Code or Zoning Ordinance violation pertaining to any property which the licensee, applicant or property manager has a legal or equitable ownership interest or is involved in management or maintenance.
 - (6) The licensee or his or her agent is denying the building official or authorized representative to perform a license review inspection.
 - (7) The licensee or any person(s) who has had an interest in two (2) or more licenses revoked pursuant to this article or canceled pursuant to section 6.32 or a combination of revocations or cancellations shall be ineligible to hold or have an interest in a chicken license for a period of five (5) years.
 - (8) The dwelling is in substandard condition.
 - (9) The owner has allowed weeds, vegetation, junk, debris or rubbish to accumulate repeatedly on the exterior of the premises so as to create a nuisance condition. If the city is required to abate such nuisance conditions, or collect, gather up or haul solid waste more than three (3) times during a period of twelve (12) months or less, it shall be sufficient grounds to deny, revoke, suspend or refuse to renew a license.
- (b) The city council may revoke a license at any time after giving the licensee at least seven days' notice by registered mail at the licensee's address shown on the license application, or, if no address is shown, at the licensee's last-known address. The notice shall state the intention of the council to revoke the license and the reasons, and it shall give the licensee an opportunity to appear before the council at a date certain for the purpose of being heard with regard to the revocation.

SECTION 3. Hopkins City Code, Appendix A, which contains the City’s fee schedule, is hereby amended by adding the double-underlined language as follows:

LICENCE FEES

<u>Chicken License</u>	<u>\$150.00</u>	<u>Initial Term or any changes requiring site plan review and re-inspection</u>
<u>Chicken License Re-Inspection</u>	<u>\$60.00</u>	<u>Re-inspection</u>
<u>Chicken License Renewal</u>	<u>\$30.00</u>	<u>Renewal – No changes.</u>

SECTION 4. In accordance with Section 3.03 of the City Charter and Minn. Stat. § 412.191, subd. 4, due to the significant length of this Ordinance, City staff shall have the following summary printed in the official City newspaper in lieu of the complete ordinance:

On August 18, 2020, the Hopkins City Council adopted Ordinance 2020-1156 that amends Chapter 6 of the Hopkins City Code. The purpose of amending the City Code is to allow for the chickens in single-family residential neighborhoods in the city. Council received requests earlier this year regarding chickens and asked staff to review the issue. By adding language regarding chickens, to our City Code, residents in single-family residential neighborhoods would have the option to have chickens on their property with certain restrictions and regulations.

A printed copy of the ordinance is available for inspection during regular business hours at Hopkins City Hall and is available online at the City's web site located at www.hopkinsmn.com.

SECTION 5. The effective date of this ordinance shall be the date of publication.

First Reading:	August 4, 2020
Second Reading:	August 18, 2020
Date of Publication:	August 27, 2020
Date Ordinance Takes Effect:	August 27, 2020

By: _____
Jason Gadd, Mayor

ATTEST:

Amy Domeier, City Clerk