

**ORDINANCE NO. 23-03**

**An Ordinance Amending ARTICLE 5, EXCEPTIONS FOR CHICKENS relating to the raising of chickens in areas zoned R-1 and RS-1, subject to certain conditions.**

**Be it Ordained by the City Council of the City of Ham Lake, Anoka County, Minnesota as follows:**

**5-330 Exception for Chickens**

The keeping or raising of chickens in areas zoned R-1 and RS-1 shall be allowed, subject to the following terms, limitations, and conditions.

1) The following conditions shall apply to every person who owns, controls, keeps, or maintains chickens on a residential city lot in areas zoned R-1 and RS-1:

- a) No more than ~~15~~ 20 chickens shall be allowed.
- b) No roosters or other poultry shall be allowed.
- c) ~~The chickens shall be housed in a coop, which shall be of wood frame construction, with a pitched roof. Roofing and siding shall match the house. The chickens shall be housed in a coop of sturdy construction which is weather tight, ventilated to insure air circulation and properly sized for the number of chickens that are housed. Roofing and siding shall be similar to existing building on the property.~~ The chickens shall be housed in a coop of sturdy construction which is weather tight, ventilated to insure air circulation and properly sized for the number of chickens that are housed. Roofing and siding shall be similar to existing building on the property.
- d) The chicken coop shall be located in the rear or side yard, not in the front or street side of the lot and shall meet the same setback as the dwelling.
- e) ~~The area in which the chickens are allowed to roam shall contain no more than 400 square feet, An outside pen or chicken run which allows chickens to roam shall be no more than 400 square feet, and shall be completely enclosed by chicken wire mesh, including mesh over the top to prevent any escape by the chickens. The frame of the enclosure shall be of wood construction, painted to blend with the colors of the other buildings, be made of decaying resistant material and the enclosure of the coop shall be maintained to present a neat and orderly appearance at all times.~~ An outside pen or chicken run which allows chickens to roam shall be no more than 400 square feet, and shall be completely enclosed by chicken wire mesh, including mesh over the top to prevent any escape by the chickens. The frame of the enclosure shall be of wood construction, painted to blend with the colors of the other buildings, be made of decaying resistant material and the enclosure of the coop shall be maintained to present a neat and orderly appearance at all times.
- f) ~~At no time shall chickens be allowed out of the enclosed screened area or coop. Chickens may be allowed outside of the coop or run if the free-range area is completely fenced to prevent escape of the chickens or attacks from predators.~~ Chickens may be allowed outside of the coop or run if the free-range area is completely fenced to prevent escape of the chickens or attacks from predators.
- g) So long as the structure comprising the coop is less than 150 square feet or less at the foundation level, no building permit shall be required, and the structure shall not be considered an “accessory building”. The coop shall be a freestanding building, and may not be attached to or be a part of a garage or house. The coop and screened enclosure shall be located at least ~~fifty ten~~ thirty ten feet from any well, and at least ~~thirty ten~~ thirty ten feet from any other building on the property.
- h) ~~Removal and proper disposal of all manure shall be completed at least every four days. Manure shall not be deposited in household trash bins. Removal of manure shall be performed as needed to prevent odors and elevated ammonia levels. Manure shall not be deposited in household trash bins.~~ Removal of manure shall be performed as needed to prevent odors and elevated ammonia levels. Manure shall not be deposited in household trash bins.
- i) If eggs are harvested, they may not be sold to others.

- j) Every person owning, keeping, controlling, or maintaining chickens shall be responsible for the care and the welfare of the chickens on a daily basis, and shall not violate any code, rule or regulation of any governmental entity relating to the raising of animals.
- 2) The City Council may impose additional conditions at any time, including the requirement that opaque fencing or vegetative screening be installed to prevent the coop and enclosure from being viewed by nearby residential uses. Such additional conditions may be imposed after providing notice to the person raising chickens on a particular lot and providing that person an opportunity to be heard. ~~If, however, the City, in its sole discretion, believes in good faith that the chickens on a particular lot pose a threat to public health, safety or welfare, the City may order the immediate removal of the chickens. Every person owning, keeping, controlling, or maintaining chickens shall allow unlimited access to the City's agents, without notice, for the purpose evaluating the threat of communicable diseases or other public health threat associated with the presence of the chickens.~~ For the purpose of Code Enforcement, normal due process procedures will be followed by the City.

**Presented the Ham Lake City Council on May 15, 2023 and adopted by a unanimous vote this 5<sup>th</sup> day of June, 2023.**

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**Brian Kirkham, Mayor**

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**Denise Webster, City Clerk**