



City Council Memorandum

To: Mayor Fasbender & City Councilmembers

From: Justin Fortney, City Planner

Date: June 3, 2024

Item: 2nd Reading, consider adoption: City Code Amendments –Keeping of Chickens in Residential Areas

Council Action Requested:

2nd Reading and consider adoption of the following general changes to Hastings City Code Chapters 155 - Zoning and 91:

1. Allow for the keeping of up to six chickens from four.
2. Allow for the keeping of up to three ducks.
3. Allow for the keeping of up to ten quail.

Approval requires a simple majority of the City Council.

Background Information:

The City of Hastings has allowed the keeping of four chickens since the summer of 2021 on residential properties. There are currently nine chicken license holders with little issue.

Please see the attached May 13, 2024 Planning Commission staff report for further information.

Financial Impact:

N/A

Advisory Commission Discussion:

The Planning Commission voted 7-0 to recommend approval of the amendment as presented at the May 13th meeting. No comments were made during the public hearing.

Council Committee Discussion:

The Planning Committee of the City Council met on April 8, 2024 and directed staff to draft an ordinance amendment proposal after reviewing a citizen request for the change.

Attachments:

- Draft Ordinance Amendment
- Planning Commission Memo – May 13, 2024

ORDINANCE NO. _____

**AN ORDINANCE FOR THE CITY OF HASTINGS, MINNESOTA, AMENDING
HASTINGS CITY CODE CHAPTER 155 - ZONING ORDINANCE REGARDING USES
AND 91 KEEPING OF ANIMALS**

The City Council of the City of Hastings, Dakota County, Minnesota, does hereby ordain as follows:

SECTION 1. AMENDMENT. The Code of the City of Hastings, County of Dakota, State of Minnesota, Chapter 91, Section 91.02.A Exceptions shall be amended as follows:

91.02 Keeping Of Animals

It is unlawful for any person to keep any animal (other than cats and dogs), not in transit, in any part of the city not zoned for agricultural purposes.

A. Exceptions.

1. Chickens (*Gallus gallus domesticus*), ducks (*Anas platyrhynchos domesticus*), and quail (*Coturnix japonica domesticus*) subject to the following regulations:
 - a. Purpose. The purpose of this division is to provide a means, through the establishment of specific standards and procedures, by which chickens, ducks, and quail can be kept in areas that are principally not used for agricultural. It is recognized that the keeping of chickens is clearly incidental and subordinate to the primary use and will not be allowed to negatively impact the character, health, safety or general welfare of the surrounding area.
 - b. License required. No person shall keep chickens, ducks, and quail within the city on any nonagricultural property without first obtaining a license from the city, where permitted by the zoning ordinance. For purposes of this subsection, “property” shall mean the lot or contiguous lots that are owned or controlled by the applicant upon which the license shall apply.
 - c. Application. An application for a license to keep chickens, ducks, and quail shall be made to the city clerk on the form prescribed by the city. The applicant must provide all the information required on the form, including, but not limited to:

- 1) The name and address of the owner(s) of the chickens, ducks, and quail and the owner of the property where they ~~y-chickens~~ will be kept, if different;
 - 2) The number of chickens or ducks, and quail to be kept on the property;
 - 3) A scaled site plan or property survey showing the property dimensions, the proposed location of the building and enclosed outdoor area to house the chickens on the subject property along with the dimensions of the building and enclosure;
 - 4) A drawing or picture of the proposed ~~building to house the chickens~~ keeping improvements along with a list of the exterior materials for the building;
 - 5) Payment of the fee for the license to keep chickens, ducks, and quail as set forth in the city fee schedule.
- d. Granting issuance of license. The city clerk may administratively approve a license or license renewal under this subsection if:
- 1) The applicant has submitted the required documentation that meets the requirements herein; and
 - 2) For renewal applications, the license holder has not had more than two violations of this subsection within the previous 12 months.
- e. Standards. Any person keeping chickens, ducks, and quail on nonagricultural property, where permitted by the zoning ordinance, shall comply with the following:
- 1) Up to 6 chickens may be kept on any property of any size but not with ducks.
 - 2) Up to 3 ducks may be kept on any property of any size but not with chickens.
 - 3) Up to 10 quail may be kept on any property of any size with chickens or ducks.
 - ~~1) Up to four total hen chickens may be kept on any property of any size.~~
 - ~~2)4) _____ For large properties, (a single lot or more than one contiguous lot combined) that are more than one acre double the original number of chickens, ducks, and quail allowed may be kept per each acre over one acre. may keep four hen chickens per acre.~~
 - ~~3)5) _____ No person shall keep chicken roosters or drake ducks on the property.~~
 - ~~4)6) _____ The slaughter of chickens-animals within the city is prohibited.~~
 - ~~5)7) _____ The owner of the chickens, ducks, and quail shall live in the residential dwelling on properties that are not public institutional.~~
 - ~~6)8) _____ Chickens, ducks, and quail more than four monthssix weeks old shall not be kept inside the residential dwelling.~~
- f. Shelter and outdoor enclosure requirements. Every person who owns, controls, keeps, maintains or harbors ~~hen~~ chickens, ducks, and quail must keep them confined on the premises at all times and provide them with a building ~~to shelter the chickens and an enclosed outdoor area. Buildings to house the chickens and enclosed outdoor areas for the chickens shall comply that complies~~ with the following standards:

- 1) Chickens and ducks shall be provided with a secure ~~well~~-ventilated roofed structure with a solid floor. The floors and walls of the roofed structure shall be kept clean, sanitary and in a healthy condition.
 - 2) Only one building and enclosed outdoor area to house the chickens or ducks ~~and one enclosed outdoor area~~ shall be allowed per lot.
 - 3) Buildings to house the chickens or ducks shall comply with the accessory building requirements and standards in 155.05(D).
 - 4) Fencing for the required enclosed outdoor area for the chickens or ducks may utilize poultry netting fence. Fencing may be galvanized or earth tone but shall not be bright colors and in no case can the fence be electrified. Fencing for the enclosed outdoor area should be six feet high or secured from above for predator protection. to better protect the chickens from predators.
 - 5) Buildings to house the chickens shall provide for a minimum of 4 square feet per chicken. The enclosed outdoor area shall provide for a minimum of 8 square feet per chicken.
 - 6) Buildings to house ducks shall provide for a minimum of 5 square feet per duck. The enclosed outdoor area shall provide for a minimum of 15 square feet per duck.
 - 7) Building hutches to house quail shall provide for a minimum of 1.5 square feet per quail. The buildings hutches shall include an enclosed section with a solid floor and caged area with a solid roof. Building hutches must be screened from view.
 - 4)8) Any device used for heating (i.e. heat lamps) within the building to house the chickens must be properly rated for that use and secured so as not to cause a fire hazard.
 - 5)9) Buildings and Enclosed outdoor areas for the chickens shall not be located in the front or side yards.
 - 6)10) Any building to house chickens and the enclosed outdoor area for the chickens, ducks, and quail shall be set back at least five feet from all property lines.
 - 7)1) Fencing for the required enclosed outdoor area for the chickens may utilize poultry netting fence. Fencing may be galvanized or earth tone but shall not be bright colors and in no case can the fence be electrified. Fencing for the enclosed outdoor area should be six feet high to better protect the chickens from predators.
 - 8)1) Buildings to house the chickens shall provide for a minimum of 4 square feet per chicken. The enclosed outdoor area shall provide for a minimum of 8 square feet per chicken.
- g. Duration of license. A license to keep chickens, ducks, and quail shall be issued to the applicant for a period of five years, ~~so long as the license holder continues to own chickens~~. The license is not assignable or transferrable. If the license holder moves from the property but the chickens, ducks, or quail remain on the property, the new owner must apply for a new license. If any license holder does not own chickens, ducks, or quail for a period of one year, the license automatically terminates.

- h. Conditions/maintenance and inspections. No person who owns, controls, keeps, maintains or harbors chickens, ducks, and quail shall permit the premises where the ~~y chickens~~ are kept to be in or remain in an unhealthy, unsanitary or noxious condition or to permit the premises to be in such condition that noxious odors to be carried to adjacent public or private property. Feeders and food storage containers must not be accessible to rodents and wild birds. No chicken, ducks, and quail shall be kept or raised in a manner as to cause injury to persons or other animals on properties in the vicinity by reason of noise, odor or filth. Any building to house chickens, ducks, and quail or enclosed outdoor area for the chickens authorized under this section may be inspected at any reasonable time by authorized city staff to inspect for compliance with this chapter and other relevant laws and regulations.
- i. Revocation of license. A license may be revoked by the city council for a violation of any condition of this section following notice and a hearing as provided for in this code.
- j. Violations. Violations of this subsection are punishable with a misdemeanor citation or civil or administrative penalties, as authorized by law.

SECTION 2. AMENDMENT. The Code of the City of Hastings, County of Dakota, State of Minnesota, Chapter 155, Section 155.22(B)(8) is amended as follows:

§ 155.22 R-1 Low Density Residence.

(B) Uses Permitted

(8) Keeping chickens, ducks, and quail pursuant to 91.02.

SECTION 3. AMENDMENT. The Code of the City of Hastings, County of Dakota, State of Minnesota, Chapter 155, Section 155.22.5(B)(2) is amended by adding subsection (8) as follows:

§ 155.22.5 R-1L Low Density Residence Large Lot.

(B) Uses Permitted

~~(2) Keeping chickens pursuant to 91.02.~~

SECTION 4. AMENDMENT. The Code of the City of Hastings, County of Dakota, State of Minnesota, Chapter 155, Section 155.23(B)(5) as follows:

§ 155.23 R-2 Medium Density Residence.

(B) Uses Permitted

~~(5) Keeping chickens pursuant to 91.02.~~

SECTION 5. AMENDMENT. The Code of the City of Hastings, County of Dakota, State of Minnesota, Chapter 155, Section 155.24(B)(6) as follows:

§ 155.24 R-3 Medium High Density Residence.

(B) Uses Permitted

~~(6) Keeping chickens pursuant to 91.02.~~

SECTION 6. AMENDMENT. The Code of the City of Hastings, County of Dakota, State of Minnesota, Chapter 155, Section 155.36(B)(8) as follows:

§ 155.36 PI Public Institutional.

(B) Uses Permitted

(8) Keeping chickens, ducks, and quail pursuant to 91.02.

SECTION 7. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance.

The ordinance amendment changes the keeping of chickens from 4 to 6 and allows for 3 ducks and 10 quail on R-1, R-1L, R-2, R-3, and PI district properties. The amendment establishes regulations related to those changes.

This Ordinance shall be effective upon seven (7) days after its passage and publication.

Adopted by the Hastings City Council on this ____ day of _____, 2024, by the following vote:

Ayes:

Nays:

Absent:

CITY OF HASTINGS

Mary Fasbender, Mayor

ATTEST:

Kelly Murtaugh
City Clerk

I hereby certify that the above is a true and correct copy of the Ordinance presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the ___ day of _____, as disclosed by the records of the City of Hastings on file and of record in the office.

City Clerk

Kelly Murtaugh



Planning Commission Memorandum

To: Planning Commission

From: Justin Fortney, City Planner

Date: May 13, 2024

Item: Ordinance Amendment #2024-16– Amend Ordinances: 155 & 91 Keeping of Chickens in Residential Areas

Planning Commission Action Requested

Hold a public hearing and review the attached amendment proposal to Hastings City Zoning Code 155 and Animal Code 91, to allow ducks, quail, and additional chickens and make a recommendation to the City Council.

History

The City of Hastings has allowed the keeping of four chickens since the summer of 2021 on residential properties. There are currently nine chicken license holders and there has only been one complaint. Some chickens had gotten out of their yard. The owner was contacted by code enforcement.

A request has been made to increase the number of chickens from four to six and to allow ducks and quail. Alternative poultry for backyard chicken flocks are sought for a variety of reasons. The number one reason is due to chicken egg allergies. Although, cross-reactivity is common with quail eggs (69%) and duck eggs (66%).¹

Research - Ducks

Ducks are starting to be allowed in some cities that have allowed chickens. In most of those instances, the allowable number of ducks is lower than the number of allowable chickens. The cities allowing ducks indicated that it was a recent change and there have been few to no license applications to report on.

Duck facts:

- They are relatively quiet including the drakes (males).
- Messier than chickens, as their excrement is much wetter than chickens.
- Need more space than chickens.
 - o They nest and lay on the floor rather than a perch.
 - o They can be larger than chickens.

- More area is needed for waste to dry.
- They don't require a pond but need bathing water deep enough to submerge their head.
- Mixing chickens and ducks in the same coop is debatable. It is often done successfully. The two have different needs but can adapt. They generally wouldn't choose to live together, certainly not in the wild.

Research – Quail

Few cities allow quail specifically by name. Some allow them because they are not specifically prohibited. Most cities that allow quail, do it by allowing poultry in general. Those cities often subtract out poultry that are not allowed (turkey, guineafowl, etc). Often those cities have limited numbers of poultry regardless of type. This is very limiting for Quail since they are substantially smaller than the other poultry.

Quail facts:

- Quail are quiet. Male calls are low and sound like a songbird.
- They and their eggs are small (3-4 = a chicken egg)
- They need to be housed on their own, not as part of a mixed flock.
- They need a fully enclosed house and cage because of their flighty nature.
- Typical housing resembles a raised cage or hutch with a wire floor and an enclosure with sand or wood shaving/ straw litter. Sometimes people build a netted aviary.
- Total space required is 1.5 square feet each.

Feedback from other cities

Staff reached out to many of the cities allowing ducks or quail. The response was uniformly that there have not been any issues, but that they have few to no license holders other than for chickens. Most of the allowances were new and there were only a small number of or no citizens that had ducks or quail. Some cities require applicants to choose chickens or ducks, but most don't address cohabitation. Typically, cities only allow one coop.

The city of Cottage Grove Code Enforcement Officer said there aren't any licensed ducks yet. Based on her experience growing up with chickens and ducks, she believes they should not cohabitate and too many ducks will cause an odor issue.

A city of Minneapolis animal control service representative said with a tier I permit, they allow up to 6 fowl including chickens and ducks. He said they have not had any issues that couldn't be rectified.

City	Allowed	Notes
Zumbrota	10 chickens and or ducks, only 4 may be ducks	No pools, one duck license
North Branch	6 chickens and or ducks	
Brainard	4 chickens OR 4 ducks	Can't have both
Cambridge	6 chickens and or ducks	Separate coops required, allow drakes
Isanti	6 chickens and up to 2 ducks	Duck wings must be clipped
Oak Park Heights	4 chickens and or ducks	Ducks must be flightless, no wing clipping. 2 duck licenses have been issued.
Minneapolis	6 chicken ducks, or quail	They weren't sure if anyone has applied for ducks yet.
Cottage Grove	6 fowl or poultry	They have about 30 licenses, no ducks, one quail.
Specific to Quail		
Maplewood	10 Poultry of the order Galliformes (includes Quail)	Excludes turkeys and roosters
Oakdale	6 Poultry	4 SF/ bird coop, 10 or 16 SF run
Baudette	12 birds total, 6 may be chickens	coop/ run area 10 SF per chickens and 2 SF for quail

Staff recommendation

There have not been ongoing issues with the four chickens currently allowed in Hastings. While allowing up to four chickens is the most common among other cities, many have increased their allowance to six or more. Current regulations require four square feet per chicken for coop sizing and eight square feet for the run. This is on the higher end for chickens, but on the low end for duck coops and very low for duck runs. A higher ratio is more critical in this climate where they will be coop bound more often. Staff is proposing to allow less ducks than chickens due to a higher likelihood of smells and their need for more space. Staff is also proposing to not allow for keeping of both chickens and ducks at one property. Two separate coops facilities will clutter yards and be esthetically detracting. Forcing animals from different orders to live together doesn't seem ethical, even if it works. Staff is also proposing to not allow duck ponds or kiddie pools for duck features. Swimming water is not necessary and raises concerns as stagnant water that would breed mosquitos, smells, and bacteria. Quail hutches are small and can be easily screened making them very compatible on a residential lot, even in addition to chickens or ducks.

The attached ordinance amendment proposal includes changes to the existing keeping of chickens regulations, which were adopted in 2021. Below is a summary of substantive changes.

1. Allow up to 6 female chickens (from 4)(no ducks).
2. Allow up to 3 female ducks (no chickens).
 - a. No ponds or kiddie pools allowed.
 - b. Coop minimum of 5 square feet per duck and runs of 15 square feet per duck (slightly more than for chickens 4 & 8 SF).
3. Allow up to 10 quail. 1.5 square feet each.
 - a. Quail hutch/ cages must be screened and meet property line setbacks
4. The use of keeping chickens is currently listed in the R-1 district, which automatically carries over as allowable in the other residential districts (R-1L, R-2, R-3). It is also listed individually under each of those districts. These redundant listings are proposed for deletion. This proposed change only serves to clean up the ordinance.