



## Legislation Details (With Text)

**File #:** Ord 17-51      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**In control:** City Council

**Final action:** 11/8/2017

**Title:** Amending Chapter 198 of the Legislative Code pertaining to the keeping of chickens.

**Sponsors:** Amy Brendmoen

**Indexes:**

**Code sections:**

**Attachments:** 1. Matson and Lies Email re Backyard Chickens, 2. Macalester Groveland Community Council- Comment Backyard Chicken ordinance Nov 2017\_, 3. Comments rec'd by Council, 4. SP Ramsey Co Food & Nutrition Comm letter

Date	Ver.	Action By	Action	Result
11/9/2017	1	Mayor's Office	Signed	
11/8/2017	1	City Council	Adopted	Pass
11/1/2017	1	City Council	Laid Over to Public Hearing	Pass
10/25/2017	1	City Council	Laid Over to Third Reading/Public Hearing	
10/18/2017	1	City Council	Laid Over to Second Reading	

Amending Chapter 198 of the Legislative Code pertaining to the keeping of chickens.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

### SECTION 1

Chapter 198 of the Saint Paul Legislative Code is hereby amended to read as follows:

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#### **Sec. 198.02. - Permits required; exceptions.**

(a) Hoofed animals. No person shall stable, keep or permit any hoofed animal to remain on any lot or premises within the city without a permit.

(b) Small animals and birds of the orders Anseriformes and Galliformes. No person shall keep or permit more than one (1) live rabbit, or any mink, ferret, ~~female chicken~~, turkey, duck, goose or pigeon or similar small animal or bird, in any dwelling or on the same lot or premises with a dwelling or other premises within the city without a permit. This paragraph does not apply to any single dove or any other small bird, or any chinchilla, hamster, gerbil, white rat, mouse or guinea pig maintained as a pet.

(c) Chickens. No person shall keep, permit or harbor any female chicken in any dwelling or on the same lot or premises without a permit. Permits are divided into two tiers.

(1) Tier 1 Permits will permit one to six female chickens.

(2) Tier 2 Permits will permit seven to fifteen female chickens.

(e d) Public health and safety. To protect any person or neighboring use, or to protect the public health and safety, the environmental health officer may require permits for any animals being kept or maintained in a manner or number that may result in unsanitary conditions, unreasonable noise or odors, or annoyance, or the attraction of rodents or insects.

(d e) Bees. No person shall keep or allow to be kept any hive or other facility for the housing of bees within the city without a permit.

(e f) Wild or exotic animals. No person shall keep or allow to be kept any wild or exotic animal within the city without a permit, whether or not the keeping of such animal is licensed by the state or federal government.

(f g) Maximum number of cats. No person shall keep, harbor or maintain more than three (3) cats of over the age of three (3) months within any individual dwelling unit within the city without a permit.

(g h) Maximum number of dogs. No person shall keep, harbor or maintain more than three (3) dogs of over the age of three (3) months within any individual dwelling unit or on any lot or other parcel of property in the city without a permit.

(h i) Exceptions. This section does not apply to animals which are temporarily brought into the city for the purpose of participating in any circus or show; nor does it apply to any public zoo, or persons temporarily keeping animals for a public zoo as volunteers, docents or otherwise; nor to any bona fide research institution, or veterinary hospital, provided protective devices adequate to prevent such animal from escaping or injuring the public are provided.

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**Sec. 198.04. - Permit; application, procedures, term and fee.**

(a) Application. Any person desiring a permit required under the provisions of section 198.02 shall make written application therefor to the environmental health officer upon a form prescribed by and containing such information as required by the environmental health officer. Among other things, the application shall contain the following information:

- (1) A description of the real property upon which it is desired to keep the animal or animals.
- (2) The species and number of animals to be maintained on the premises.
- (3) A statement that the applicant/permittee will at all times keep the animals in accordance with all the conditions prescribed by the environmental health 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.
- (4) Such other and further information as may be required by the environmental health officer.

(b) Consent. ~~The applicant for any permit required under the provisions of section 198.02 shall provide with the application the~~ Applicants for any permit required under the provisions of section 198.02 must notify and/or obtain written consent from nearby residents as required below:

(1) Tier 1 Permit. Applicants must provide proof of written notification of the intent to keep female chickens to all adjacent property owners.

(2) Tier 2 Permit for female chickens and other types of animal permits. Applicants for a Tier 2 Permit or any other type of animal permit must obtain the written consent of seventy-five (75) percent of the owners or occupants of privately or publicly owned real estate within one hundred fifty (150) feet of the outer boundaries of the premises for which the permit is being requested or, in the alternative, proof that applicant's property lines are one hundred fifty (150) feet or more from any structure. However, where a street separates the

premises for which the permit is being requested from other neighboring property, no consent is required from the owners or occupants of property located on the opposite side of the street. Where a property within one hundred fifty (150) feet consists of a multiple dwelling, the applicant need obtain only the written consent of the owner or manager, or other person in charge of the building.

(c) Fees; term of permit. For all permits issued hereunder, the fee shall be established by ordinance as provided in section 310.09(b) of the Legislative Code. The term of the permit shall be one (1) year from date of issuance, and the permit may be renewed from year to year with payment of an additional fee, established by ordinance as provided in section 310.09(b) of the Legislative Code, upon application to the environmental health officer; provided, however, that upon any adverse action or violation of the conditions of the permit or substantial amendment to the permit application as originally described, a new application, fee and investigation may be required before the granting of a permit or renewal thereof.

(d) Investigation by environmental health officer; may grant permit. The environmental health officer shall make such investigation as is necessary and may grant, deny or refuse to renew any application for permit under this chapter.

(e) Permit; conditions. If granted, the permit shall be issued by the environmental health officer and shall state the conditions, if any, imposed upon the permittee for the keeping of animals under the permit. The permit shall specify the restrictions, limitations, conditions and prohibitions which the environmental health 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 environmental health officer for failure to conform to such restrictions, limitations or prohibitions. Such modification or revocation shall be effective from and after ten (10) days following the mailing of written notice thereof by certified mail to the person or persons keeping or maintaining such animals.

(f) Refusal to grant or renew a permit. The environmental health officer may refuse a permit to keep or maintain animals hereunder for failure to comply with the provisions of this chapter, if the facilities for the keeping of the animals are or become inadequate for their purpose, if the conditions of the permit are not met, if a nuisance condition is created, or if the public health and safety would be unreasonably endangered by the granting of such permit.

(g) Numbers of animals; species. The permit shall state the maximum number and species of animals which may be maintained on the premises. The permittee shall not exceed the maximum number of animals allowed on the permit or substitute the animals with different species. A permittee that wishes to increase the number of animals allowed or to substitute or add a different species to those listed on the permit, shall be required to apply for a new permit and pay the appropriate fee.

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## **Sec. 198.06. - Nuisance.**

(a) No person shall keep any animal, bird or other living thing in such a manner as to constitute a nuisance.

(b) Feces and discarded feed must be regularly collected and removed prevent odors from emitting over property lines. Fowl fecal waste or litter of fowl must be bagged and disposed of by a licensed solid waste hauler or composted in accordance with Minnesota Administrative Rule 7035.0300, Subdivision 99a.

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## **SECTION 2**

This ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.