

**CITY OF COLOGNE
CARVER COUNTY
STATE OF MINNESOTA**

ORDINANCE NO. 176

**AN ORDINANCE AMENDING THE CITY OF COLOGNE CITY CODE RELATED TO
CHICKENS**

The City Council of Cologne, Minnesota ordains:

SECTION 1. ADD NEW CHAPTER.

A new Chapter is added as follows:

CHAPTER 120. CHICKENS

Sec. 120.01. Definitions.

The following terms, as used in this chapter, shall have the meanings stated in this section:

Chicken means all life stages of the fowl of the genus Gallus and species Gallus domesticus.

Coop means a cage or pen for confining chickens.

Hen means a female chicken.

Licensed premises means the lot for which a chicken license has been applied for or granted, as the applicable context requires.

Licensee means the person to whom a chicken license has been issued.

Lot means a contiguous parcel of land under common ownership.

Qualified applicant means a natural person or a revokable trust created by a natural person who is both a grantor of the revokable trust and serves as a current trustee.

Rooster means a male chicken.

Run means an area inside a fence where chickens are kept and allowed to walk around.

Sec. 120.02. General prohibition.

No person shall keep a chicken within the corporate limits of the city, except as allowed by this chapter or section 92.04 of the Code. This prohibition does not apply to those portions of the city zoned Agriculture.

Sec. 120.03. Licenses.

Subd. 1. *License required.* A licensee may keep a coop with up to six (6) hens at a licensed premises in compliance with the requirements of this chapter. Roosters are not allowed. Only one (1) chicken license may be issued per lot.

Subd. 2. *License period.* A license is effective when issued and continues in effect until the license expires or is revoked pursuant to this chapter. A license shall expire thirty (30) days after the date the licensee no longer holds a fee title interest in the licensed premises unless an application to transfer the license is submitted to the city within such thirty (30) day period and approved by the City Administrator (or his/her designee). If a timely submitted application to transfer a license is denied by the city, the license shall expire thirty (30) days after the date of denial. If a licensee is a natural person and the licensee dies, the estate of such person shall be deemed the licensee and the personal representative of the estate may act on behalf of the licensee.

Subd. 3. *License application.* A qualified applicant that desires a license may apply for the license using forms supplied by the City Clerk. the application shall include, but not be limited to, the following information and agreements:

- A. The address of the lot where the hens will be kept.
- B. A scaled drawing showing the location, size, and dimensions of the coop and run on the lot including their distance from other structures on the lot and neighboring property lines.
- C. The number of hens to be kept at the lot.
- D. An agreement by the qualified applicant that the licensed premises may be inspected by the city during business hours with twenty-four (24) hours' notice to ensure compliance with this chapter.
- E. A statement that the qualified applicant understands the conditions and requirements of this chapter.
- F. A statement that the qualified applicant is a fee title owner of the licensed premises.

Subd. 4. *License transfer application.* A licensee that desires to transfer an existing license to another qualified applicant may apply for the transfer using forms supplied by the City Clerk. The application shall include, but not be limited to, the items listed in subdivision 3, A, C, D, E, and F above. Further, an application to transfer a license shall be executed by both the current licensee and a qualified applicant that desires to assume the license.

Subd. 5. *License requirements.* No license shall be issued until the City Administrator (or his or her designee) has determined all of the following conditions have been met:

- A. An application has been submitted with accurate and complete information.
- B. An inspection of the lot, coop and run described in the application has been performed by the city with the qualified applicant's permission.

- C. Based on the application and inspection, the requirements of this chapter have been met regarding the construction and location of the chicken coop and run on the lot.
- D. Public health and safety will not be endangered by granting or renewing the requested license.

The City may make a preliminary determination that the written elements of the application are complete and meet the requirements of this section prior to completing an inspection and issuing a license. Such preliminary determination shall not constitute approval of the application or entitle an applicant to the issuance of a license until a complete application process, including a successful inspection of the constructed coop and run showing that they are constructed according to the applicant's written submissions and the requirements of this section, is approved by the City.

Subd. 6. *Fees.* An application for a license or license transfer shall be accompanied by the appropriate chicken license fee set forth in section 31.36 of the Cologne City Code.

Subd. 7. *No real property interest created.* Licenses are personal to the licensee and do not run with the licensed premises. As such, they create no rights in real estate and they do not transfer with real estate. The rights granted to a licensee do not apply to a tenant or other occupant of a licensed premises, except that incidental help is permitted as described in section 120.04, subdivision 1, below.

Sec. 120.04. Operation.

Subd. 1. *General requirements.*

- A. A licensee may keep a coop with up to six (6) hens at a licensed premises. In addition, members of a licensee's household other persons may, from time to time, provide incidental assistance under the licensee's direction. The licensee shall, at all times, assure full compliance with the requirements of this chapter.
- B. Chickens must be confined on the licensed premises in a chicken coop or chicken run, and may not be kept in any part of the principal dwelling, garage, front yard, or side yard.
- C. All chicken grains and feed must be stored in a rodent proof container.
- D. Chickens shall not be kept for breeding purposes.
- E. The use of chickens for cockfighting is prohibited.

Subd. 2. *Coop and run.*

- A. All chickens shall be provided access to both a coop and a run.
- B. The coop and run shall be located in the rear yard of the licensed premises: i) setback from the principal dwelling; ii) not less than thirty-five (35) feet away from the principal dwellings on the adjacent properties; and iii) not less than ten (10) feet from the property lines of the licensed premises. In all cases, the coop and run shall be located closer to the principal dwelling of the licensed premises than to any principal dwelling on any adjacent properties. Further, the coop and run shall be set back at least twenty-five (25) feet from: i) any delineated wetland

edge; or ii) the top of any bank of a pond, filtration basin, or infiltration basin. No coop or run shall be located in any easement or right-of-way area.

- C. Chicken coops shall have a maximum footprint area of ten (10) square feet per chicken and a minimum footprint area of five (5) square feet per chicken. Chicken runs shall have a maximum footprint area of twenty (20) square feet per chicken and a minimum footprint area of ten (10) square feet per chicken. The coop shall be elevated above ground and may not exceed a height of seven (7) feet as measured from the ground.
- D. The coop and run shall be completely enclosed and rodent proof. Further, the coop shall provide adequate protection from the elements and shall be winterized. All fencing and electrical work associated with the coop and run shall comply with all building and zoning codes and all appropriate permits and licenses shall be obtained therefore.

Subd. 3. *Waste.*

- A. The coop and run shall be kept in a sanitary and odor free condition, including the regular and frequent removal, storage in a leak proof container and proper disposal of any accumulated feces or waste.
- B. Composting or burying feces, discarded feed or dead chickens on the licensed premises is prohibited.

Subd. 4. *Removal.* No later than thirty (30) days after a license expires or is revoked, the licensee shall, at the licensee's sole expense, remove the coop, equipment, and other improvements associated with the chickens from the licensed premises. Sec.

120.05. *Inspection.*

The city may inspect a licensed premises during the city's normal business hours with at least twenty-four (24) hours' notice to the licensee or other occupant of the licensed premises. Refusal to allow inspection shall constitute grounds for revocation of the applicable license.

Sec. 120.06. Revocation.

The city may revoke a license upon 14 days' written notice mailed to the address associated with the license if any requirement set forth in this chapter is violated. Notice shall be effective as of the date of mailing. The licensee may submit a written request to the City Administrator for a hearing before the City Council prior to the date of the license expiration stated in the City's notice of revocation. Upon receipt of such a request for a hearing, the license revocation will be stayed until the City Council holds a hearing on the license revocation. At the hearing, the City will present its evidence of any violation, and the licensee shall have the right to speak on their behalf or be represented by an attorney, and to present evidence or witnesses. Following the hearing the Council shall determine whether a violation has occurred or not and shall either find that a violation has occurred and revoke the license or find that no violation has occurred and permit the license to remain in effect.. Nothing herein shall be interpreted as preventing the city from also prosecuting any violation of this chapter as a criminal violation pursuant to chapter 10.99 of the Code.

Sec. 120.07. Right to a hearing.

Any qualified applicant under this chapter that has been denied the issuance or transfer of a license may, upon written request to the City Clerk made within 14 days after the denial has occurred, request a hearing before the city Council to present evidence and to appeal the decision. A request for a hearing after the denial of a transfer application will stay the expiration of the license until thirty (30) days after the hearing.

Sec. 120.08. Application of chapter to other requirements.

Subd. 1. Private restrictions and covenants.

- A. Notwithstanding the issuance of a license by the city, private restrictions or covenants regarding the use of any licensed premises shall remain enforceable. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions, neighborhood association bylaws, and covenant declarations.
- B. A license issued for a licensed premises subject to private restrictions and/or covenants that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restrictions is the sole responsibility of the private parties involved.

Subd. 2. Coordination with other code provisions.

- A. Compliance with this chapter shall not be a defense to a proceeding alleging that a given chicken or group of chickens constitutes a nuisance.
- B. Compliance with this chapter shall not be a defense to a proceeding alleging that a given chicken or group of chickens violates applicable ordinances regarding public health.

SECTION 2. AMEND CHAPTER 31, APPENDIX A TO ADD NEW FEES.

New fees shall be added to Chapter 31, Appendix A as follows:

Chicken License: \$100

Chicken License Transfer: \$25

SECTION 3. EFFECTIVE DATE

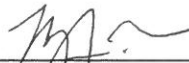
This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

SECTION 4. REPEALER

All prior ordinances to the extent that they are inconsistent with the terms and provisions of this Ordinance, shall be deemed repealed after the effective date of this Ordinance with regard to those inconsistent terms and provisions.


Passed by the City Council of Cologne this 5th day of August, 2024.

Approved:



Matt Lein
Mayor

Attested:



Michelle Morrison
City Clerk

C:\Users\cnash\Dropbox\Cologne\Ordinance Amendments\2024\Chickens\Ordinance Amend Chickens Draft1.docx
July 26, 2024