

ORDINANCE #77
AN ORDINANCE FOR KEEPING BACKYARD CHICKENS

The City Council of Lismore, Minnesota, ordains that:

Section I. Chickens.

Subdivision 1. Notwithstanding Ordinance #60, Section 4, up to 6 female chickens are permitted to be kept on parcels that are less than ten acres in size, provided that the owner obtains a backyard chicken permit from the City. Chickens must not be raised or kept for the purpose of fighting. No permit will be granted by the city to keep any chickens within a dwelling or garage, nor on a property which contains two or more dwelling units. No roosters are allowed.

(A) Any person desiring to obtain a backyard chicken permit under this subdivision must make a written application to the City Clerk on a form provided by the City and pay an application fee. Fees to be charged for the issuance of a permit to keep chickens shall be set by City Council on the fee schedule. The application must include a scaled diagram that shows the location of the chicken pen including the distance of the pen from adjoining structures and property lines and the pen's dimensions.

(B) All initial permits will expire on December 31st of the following year after their issuance unless sooner revoked. Renewal permits shall expire on December 31st of the second year following their issuance unless sooner revoked.

(C) A permit is subject to all terms and conditions of this section and any additional conditions deemed necessary by the city to protect the public health, safety, and welfare. Private restrictions such as covenants take precedence over the permit. A permit issued to a person whose premises are subject to covenants that prohibit the keeping of chickens is subject to be voided. The interpretation and enforcement of the private restrictions is the sole responsibility of the private parties involved.

(D) The City may revoke a permit for failure to comply with provisions of this section or any of the permit's conditions. Prior to revoking a permit, the city shall provide the owner with notice of the revocation and an opportunity to appeal the revocation to the city council.

(E) The city may inspect the premises for which a permit has been granted in order to ensure compliance with this subdivision. If the city is not able to obtain the occupant's consent to enter the property, it may seek an administrative search warrant.

(F) All chickens must be kept in an enclosed pen. The chicken's living area must be maintained in a clean and sanitary condition, devoid of all rodents and vermin and free from objectionable odors. Waste must be disposed of on a regular basis. Grains and feed must be stored in rodent and raccoon-proof containers inside of a structure. The enclosed pen must be maintained in good condition and be sufficient in strength and size to allow the chickens to move about, but also able to prevent escape. The enclosed pen must have a minimum square footage of four feet per animal and must not exceed 120 square feet. The enclosed pen must be located in the backyard and set back at least 25-feet from any residential dwelling on any adjacent lot and at least 10-feet from the property lines.

(G) No person shall allow any chicken under his or her ownership or control to violate Ordinance #49, Public Nuisances.

(H) Persons that intend to no longer keep chickens on their premises shall notify the City Clerk. If there is a pen, it must be removed upon expiration of the permit.

(I) Dead chickens must be disposed of according to the Minnesota Board of Animal Health rules which require chicken carcasses to be disposed of as soon as possible after death, usually within forty-eight (48) to seventy-two (72) hours. Legal forms of chicken carcass disposal include offsite burial, offsite incineration or rendering, or offsite composting.

Section 4. Violations and/or penalties.

(A) Any person violating any sections of this ordinance shall be deemed guilty of a petty misdemeanor.

(B) If any person is found guilty by a court for violation of this Ordinance, their permit to own, keep, harbor, or have custody of non-domestic animals and fowl shall be deemed automatically revoked and no new permit may be issued for a period of one (1) year.

(C) Any person violating any conditions of this permit shall reimburse the City for all costs borne by the City to enforce the conditions of the permit including but not limited to the pickup and impounding of chickens.

Section 5. Effective date. This ordinance shall be in full force and effect from and after the date of passage, approval and publication according to law.

Introduced by the City Council of the City of Lismore 10th day of April, 2023.

By _____

Mayor Wayne Bents

ATTEST:

Amber Bertrand – City Clerk

Introduced: April 10, 2023

Adopted: May 8, 2023

Published: