

ORDINANCE NO. 2024-08

**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 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 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.
 - 4) For large properties, (a single lot or more than one contiguous lot combined) double the original number of chickens, ducks, and quail allowed may be kept per each acre over one acre.
 - 5) No person shall keep chicken roosters or drake ducks on the property.
 - 6) The slaughter of animals within the city is prohibited.
 - 7) The owner of the chickens, ducks, and quail shall live in the residential dwelling on properties that are not public institutional.
 - 8) Chickens, ducks, and quail more than six 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 chickens, ducks, and quail must keep them confined on the premises at all times and provide them with a building shelter 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 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 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.

- 5) Buildings to house 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.
 - 8) Any device used for heating (i.e. heat lamps) within the building must be properly rated for that use and secured so as not to cause a fire hazard.
 - 9) Buildings and enclosed outdoor areas shall not be located in the front or side yards.
 - 10) Any building and enclosed outdoor area for the chickens, ducks, and quail shall be set back at least five feet from all property lines.
- g. Duration of license. A license to keep chickens, ducks, and quail shall be issued to the applicant for a period of five years. 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 they 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.

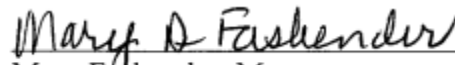
Adopted by the Hastings City Council on this 3rd day of June, 2024, by the following vote:

Ayes: Fasbender, Fox, Haus, Lawrence, Leifeld, Pemble and Vihrachoff

Nays: None

Absent: None

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 3rd day of June, as disclosed by the records of the City of Hastings on file and of record in the office.



Kelly Murtaugh

City Clerk