ORDINANCE NO. 455

AN ORDINANCE AMENDING THE CITY OF DETROIT LAKES CITY CODE
CHAPTER 503A ANIMALS

The City Council of the City of Detroit Lakes does hereby ordain:

Section 1: Chapter 503A Animals is renamed Chapter 503 Animals

Section 503A.02 Subd. 4 is deleted in its entirety and replaced as follows:

    Subd. 4. Sterilized. Sterilized means a surgical or chemical procedure performed
    by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

Section 503A.03 Subd 1.B. is deleted in its entirety and replaced as follows:

    B. Any farm animals or poultry except chickens as permitted under Section 503.05

Section 503A.03 Subd 1.C. is deleted in its entirety and replaced as follows:

    C. More than two dogs, two cats, two rabbits or two guinea pigs more than
    four months old. Any combination thereof shall not exceed two animals,
    unless all of the animals are sterilized. If all animals are sterilized, more than
    three dogs, three cats, three rabbits or three guinea pigs more than four months
    old are prohibited. Any combination thereof shall not exceed three sterilized
    animals."

Section 503A.04 Subd. 1.D. and E. are deleted in their entirety and replaced as follows:

    D. Keeping of chickens on single family lots only in an “R-1”, “R-2”, or “R-
    A” districts as allowed by a permit issued by the City of Detroit Lakes and
    subject to the provisions set forth in City Code 503.05.

Section 503A.13 Subd1 is deleted in its entirety and replaced as follows:

    Subd. 1. Violation of Chapter 503. A violation of Chapter 503, the City’s Animal
    Code, shall be a misdemeanor under State law. Each day that a violation exists shall constitute a
    separate offense. In addition, Chapter 503 may be enforced by Civil Action and the City is
    authorized to pursue any remedy available at law or in equity, including but not limited to
    temporary restraining orders, injunctions both mandatory and prohibitory, as well as damages,
    attorney fees and costs. Violation of Chapter 503 or failure to comply with its requirements shall
    also be subject to enforcement by administrative penalty. The fee for administrative penalties
    shall be set by Council resolution."
Section 2: Section 503A.05, 503A.06, 503A.07 and 503A.14 are deleted in their entirety and Sections 503A.08 through Sections 503A.15 are renumbered 503.07 through 503.13. Section 503.05 is added as follows:

503.05 Chickens.

Subd. 1. Chickens Limited. It is unlawful for any person to own, control, keep, maintain or harbor chickens in the City unless issued a permit by the City as provided herein. No permit shall be issued for the keeping or harboring of more than four (4) chickens on any premises. The keeping of roosters is prohibited.

Subd. 2. Definitions. The term “At Large” shall be intended to mean a chicken out of its chicken run, off the premises or not under the custody and control of the owner. The term “Chicken” means a female chicken or hen. The term “Chicken Coop” means a structure providing housing for chickens made of wood or other similar materials that provides shelter from the elements. The term “Chicken Run” means a fenced outside yard for the keeping and exercising of chickens. The term “Owner” shall mean the resident, property owner, custodian or keeper of any chicken. The term “Premises” means any tract of land upon which a residential structure is constructed, including but not limited to a platted lot or group of contiguous lots, parcels or tracts of land.

Subd. 3. Permit. No person shall maintain a chicken coop and/or chicken run unless granted a permit by the City. Permits shall be issued only upon written application filed with the City. No permit shall issue unless the applicant agrees in the permit application that the permit holder will pay the reasonable costs, disbursements and attorney fees incurred by the City in enforcing the provisions of the permit or any violation of the permit. The permit shall be 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. The necessary permit may be obtained from the City Administration office. Prior to issuance of the permit the applicant shall provide a scaled diagram that indicates the location of any chicken coop and run, and the approximate size and distance from adjoining structures and property lines. A permit for the keeping of chickens may be revoked or suspended by the Council for any violation of this Section following written notice and a public hearing. An annual fee set by Council resolution will be charged for each permit which shall expire on December 31 of each year. Permit fees shall not be prorated or refundable.

Subd. 4. Confinement. Every person who owns, controls, keeps, maintains or harbors chickens must keep them confined on the premises at all times in a chicken coop or chicken run while in the City. It is grounds for revocation of a permit if chickens owned, controlled, kept, maintained or harbored by a permit holder are found to be at large more than once.

Subd. 5. Property Requirements, Chicken Coops, and Chicken Runs.

A. Property Requirements.
1) Chickens can only be kept on a single family residential premises in an “R-1”, “R-2”, or “R-A” district.

2) The minimum lot size for keeping chickens is 7,500 square feet.

3) Chickens shall not be kept or maintained upon a vacant lot or anywhere inside a residential structure, including basements, porches, garages, shed, or similar storage structures.

B. Coop and Run Requirements.

1) All chickens shall be kept and maintained within a detached, stationary structure used exclusively for the keeping of chickens. Temporary or movable devices and structures shall be prohibited. Chickens must be secured in a chicken coop from sunset to sunrise each day.

2) A coop and any attached run/enclosure shall be located in a portion of the rearyard that is not visible from any public right of way at the permit holder’s residence.

3) A coop and any attached run/enclosure shall be located at least 20 (twenty) feet from any residential structure and at least 10 (ten) feet from all lot lines.

4) Any coop and run shall be screened with a solid fence or landscaped buffer with a minimum height of four (4) feet.

5) Coops shall be constructed in a skillful manner, including being ventilated, insulated, roofed, constructed of moisture resistant materials, and in compliance with current City building and zoning ordinances.

6) All chicken coops must be a minimum of 4 square feet per chicken in size, must not exceed 10 square feet per chicken in size and must not exceed 6 feet in total height. Attached fenced-in chicken runs must not exceed 20 square feet per chicken and fencing must not exceed six feet in total height. Chicken runs may be enclosed with wood and/or woven wire materials, and may allow chickens to contact the ground.

7) Chicken coops must either be:

   a) Elevated with a clear open space of at least 24 inches between the ground surface and framing/floor of the coop; or,
b) The coop floor, foundation, and footings must be constructed using rodent resistant construction.

8) Permit information shall be attached to the coop, including the name of the permit holder, permit number, and an emergency contact telephone number.


A. A person keeping or maintaining chickens on residential property:

1) Shall keep or maintain not more than four (4) total chickens.

2) Shall keep or maintain chickens within a coop or attached coop run/enclosure at all times.

3) Shall not keep or maintain any roosters.

B. Chickens shall, at all times, be provided with access to feed and clean water, proper shelter and protection from the weather, veterinary care when needed, and humane care and treatment.

C. Deceased chickens shall be disposed of immediately in a safe manner, which may include trash disposal after placing the deceased bird in a sealed bag.

D. All waste including manure shall be disposed of, at least weekly, in a safe and adequate manner that does not create a public nuisance. Composting of manure shall be done in a dedicated, enclosed container at least twenty (20) feet from any residential structure and at least ten (10) feet from all lot lines.

E. Chicken manure shall not be placed in yard compost piles.

F. Chickens shall be secured within a coop during non-daylight hours.

G. Chickens shall not roam free outside of a coop or attached run/enclosure, or off of the permitted property.

H. Coops shall be entirely removed from the property within sixty (60) days of the nonrenewal of a permit.

I. Sale of eggs is prohibited.
J. Chicken feed shall be stored and kept in containers which make the feed unavailable to rodents, vermin, wild birds, and predators.

K. All coops, attached runs/enclosures and yards where chickens are kept or maintained shall be cleaned regularly to keep them reasonably free from substances, including but not limited to manure, uneaten feed, feathers, and other such waste that it does not cause the air or environment to become noxious or offensive or to be in such condition as to promote the breeding of flies, mosquitoes, or other insects, or to provide habitat, breeding or feeding place for rodents or other animals, or otherwise be a nuisance.

L. Chickens shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds or to humans.

M. The City reserves the right to eliminate all chickens within the City if a pandemic regarding fowl and poultry is declared.

N. Chickens that become ill must receive veterinary care on-site or at a veterinary office. Chickens ill with an infectious disease capable of being transmitted from bird to bird or from birds to humans, including but not limited to, salmonella, avian influenza, must be immediately euthanized by a veterinarian or immediately removed from the City and humanely killed outside of the City. Any person keeping chickens shall immediately report any unusual illness or death of chickens to the City.

Subd. 7. Conditions and Inspection. No person who owns, controls, keeps, maintains or harbors chickens shall permit the premises where the chickens are kept to be or remain in an unhealthy, unsanitary or noxious condition or to permit the premises to be in such condition that noxious odors are carried to adjacent public or private property. Any chicken coop and chicken run authorized by permit under this Section may be inspected at any reasonable time by the City Animal Control Officer or other agent of the City. Slaughter and breeding of chickens on any premises within the City is prohibited.

Subd. 8. Impounding.

A. Procedure. The animal control personnel or the police officers of the City may impound any chicken harbored or kept in violation of this code, and any chicken running at large or otherwise in violation of Section 503A. Chickens impounded shall be immediately delivered to the Public Works Department. The Public Works Department shall give written notice of the impounding to the owner of the chicken, or if the owner is unknown or cannot be found, it shall post notice of the impounding on the City’s web page. The notice shall describe the chicken, and shall include a statement that if the chicken is not redeemed on or before a specified date, which
shall be not less than five business days after giving notice, the chicken will be destroyed or otherwise disposed of.

B. **Redemption.** Any impounded chickens may be redeemed by the owner by the date specified pursuant to Subd. 8.A. by paying an impound fee as set forth in Section 210, plus the daily boarding charge for each day. No chicken shall be released by the pound master unless the owner has a valid permit to keep chickens.

C. **Disposal.** Any impounded chicken not redeemed by the date specified pursuant to Subdivision 8.A. may be sold. Any impounded chickens not redeemed or sold shall be humanly disposed of by the Public Works Department.

Subd. 9. **Violations.**

A. **Revocation.** A permit for the keeping of chickens may be revoked or suspended by the City Council for any violation of this ordinance following ten (10) days written notice to the last known address of the permit holder and a public hearing.

B. **Nuisance.** Violations of this ordinance may constitute a public nuisance, punishable as provided by City ordinance.

C. **Other Penalties.** Any person who owns, controls, keeps, maintains, or harbors chickens in the City limits of Detroit Lakes without obtaining or maintaining a current permit, after a permit has been suspended or revoked by Council action, or contrary to the provisions of this section shall be guilty of a violation of this section.

A violation of Chapter 503, the City’s Animal Code, shall be a misdemeanor under state law. In addition the provisions of this section may be enforced by order of the City requiring removal of the chickens, chicken coop and chicken run by the violator; abatement by the City or by Civil Action and the City is authorized to pursue any remedy available at law or in equity, including but not limited to temporary restraining orders, injunctions both mandatory and prohibitory as well as damages. In addition, any violation of this section or failure to comply with its requirements shall be subject to enforcement by administrative penalty. Each day a violation exists shall be a separate violation. The fee for administrative penalties shall be set by Council resolution.

503.06 **Dog Run/Enclosure.**
Subd. 1. As used in this section, the term “dog run/enclosure” shall mean any enclosure constructed for shutting in or enclosing dogs or other animals and having an area less than five-hundred (500) square feet.

Subd. 2. Enclosures shall be screened from view of adjacent property with a sold fence or landscape buffer with a minimum height of four (4) feet.

Subd. 3. No enclosure shall be placed closer than ten feet (10’) from any lot line.

Subd. 4. Enclosures shall be placed in the rear yard, and in no event shall it be placed closer than twenty feet (20) from any dwelling unit not on the premises.

Subd. 5. No person shall permit feces, urine or food to remain in an enclosure for a period that is longer than reasonable and consistent with health and sanitation and the prevention of orders.

Section 3: All other provisions of Chapter 503A, now renamed Chapter 503 of the Detroit Lakes City Code shall remain in full force and effect.

Section 4: This ordinance shall take effect upon passage and publication as provided by law and the City of Detroit Lakes Charter.

Passed and adopted this 10th day of December 2019.

Approved this 10th day of December 2019.

Matt Brenk, Mayor

Glori French, City Clerk

First Reading: November 12, 2019
Second Reading: December 10, 2019