



Memo

DATE: June 25, 2020
TO: Mayor & Councilmembers
FROM: Tim Murray, City Administrator
SUBJECT: Backyard Chicken Violation – 922 Prairie Avenue

Chapter 6 of the City Code of Ordinances (the “Code”) addresses animals and fowl in the city. Under Sec. 6-20, the keeping of chickens (poultry) is prohibited “... in any district other than manufacturing, open space/ agricultural or transitional urban development districts ...”. The property at 922 Prairie Avenue is zoned R-2 – Low Density Residential, and therefore, keeping chickens is not allowed.

The question was raised as to whether the exceptions cited in Sec. 6-81 of the Code would apply to this case, under the “... maintained continuously in cages...” language contained therein:

Sec. 6-81. - Exceptions.

The following are excepted from the prohibition in section 6-79:

- (1) Nonpoisonous snakes, birds kept indoors, hamsters, mice, rabbits, gerbils, white rats, guinea pigs, chinchillas, or lizards, and similar small animals capable of being **maintained continuously in cages**, provided that the manner of keeping does not constitute a nuisance;
- (2) Disabled persons keeping monkeys trained as household helpers;
- (3) Traveling exhibitions which keep wild animals for exhibition or show, provided that the person, traveling circus, zoo or show has obtained a state permit or is exempt from such requirement pursuant to Minnesota Statutes Section 97A-.041, and provided that such animals are not kept in the city more than fourteen (14) days per year;
- (4) Animals in the custody of licensed veterinarians; and
- (5) Falcons and other birds of prey kept by state and federally licensed falconers.

Short answer is no—none of the exceptions apply here, as this portion of this chapter in the Code (DIVISION 6) only applies to nondomestic animals. Under this ordinance, chickens are defined as a domestic animal:

Sec. 6-16. - Definitions.

For the purposes of this article, the following words, terms and phrases shall have the following meanings respectively ascribed to them in this section:

Animal shall mean dogs, cats, horses, **birds, including fowl and poultry, or other domesticated birds** or animals, which are harbored, fed or kept by any person or group of persons.

Nondomestic animal shall mean any wild animal, reptile, or **fowl which is not naturally tame but is of a wild nature or disposition** or which, because of its size or other characteristics, would constitute a danger to human life or property.

One of the ways in which this ordinance could be revised is through an ordinance text amendment, which is typically handled through the Planning & Zoning Division. There is an application form which we will provide to the affected party if they want to pursue that direction. Addressing topics such as this at work sessions or under "Other Discussion" is inappropriate, as we need to ensure that items are actually given full consideration and provisions for public input are part of the process. Applicants don't actually get an official Council position nor should they be able to get an "answer" from the Council (as no binding decisions are made at work sessions or for non-agenda items anyway) without the matter being properly vetted.

Another route to change the language is through a referendum, providing for an amended ordinance via an election. I will be providing the Council with information on that process in a separate memorandum.