

ORDINANCE NO. _____

CITY OF MANKATO
STATE OF MINNESOTA

AN ORDINANCE AMENDING CHAPTER 4 OF THE CITY CODE PERTAINING TO
KEEPING CHICKENS IN RESIDENTIAL AREAS

WHEREAS, the City Council of the City of Mankato (“City”) has the authority to regulate animals and land use within its borders to protect the health, safety, and general welfare of its residents; and

WHEREAS, there is a growing interest among residents in urban agriculture, local food production, sustainability, and self-sufficiency; and

WHEREAS, the City Council recognizes that the unregulated keeping of poultry in urban and suburban areas can create potential public nuisances, including excessive noise, offensive odors, attraction of predators and pests, and public health concerns; and

WHEREAS, the City Council finds that the proper management, containment, and care of chickens are necessary to mitigate these potential negative impacts on neighboring properties and the community at large; and

WHEREAS, a public hearing was held on [Date], after due notice, to allow individuals to provide input regarding amendments to the City Code concerning the keeping of chickens.

NOW, THEREFORE BE IT ORDAINED, by the City Council for the City of Mankato, that the following revisions and additions be enacted:

SECTION 1. City Code of Ordinances, Chapter 4, ANIMALS, ARTICLE I. - IN GENERAL, Section 4-1. - Definitions is hereby amended by adding the following underlined text and deleting the following stricken-through text:

Sec. 4-1. – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means every non-human species of animal. The term “animal” does not include non-domesticated animals. ~~any cattle, horses, mules, sheep, goats, swine, ponies, ducks, geese, turkeys, chickens, guinea hens, and all other animals and feathered fowl, except dogs, and cats, unless such pets are specifically included in particular subdivisions hereof, and then this definition shall extend to such section only.~~

Animal control officer means the person or entity designated by the city from time to time to carry out the duties imposed under this chapter and exercise the authority granted by this chapter on behalf of the city.

Attack means the deliberate action of a dog, whether or not in response to a command by a person, to bite, to seize with its teeth or to pursue any human, animal or inanimate object, with the intent to destroy, kill, wound, injure or otherwise harm the object of its action.

Chicken means a female domesticated fowl of the species genus Gallus or species G. Gallus.

Chicken coop means a structure for the keeping and housing of chickens.

Chicken run means a securely enclosed area and locked pen or structure where chickens can roam unsupervised.

Farm animal. Any of the various species of animals commonly found on a farm, ranch or stable and kept for agricultural purposes such as, but not limited to, horses, cattle, goats, sheep, llamas, and swine.

Hen means a female chicken.

Hobby kennel means a non-commercial facility or private residence where a person keeps, breeds, or raises a specific number of dogs primarily for personal enjoyment, passion, or sport rather than for primary income.

Keeping means an occupant knowingly permitting any animal habitually to remain, stay or lodge on the property occupied or controlled by such occupant, or to feed for three or more consecutive days at the property occupied or controlled by such occupant.

Non-domesticated animal means any wild animal, reptile or fowl that is not naturally tame or gentle but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics would constitute a danger to human life or property.

Owner means any person keeping harboring, or having charge or control of, or permitting any animal habitually to be or remain on, or be lodged or fed within, such person's house, yard or premises excluding veterinarians or commercial kennel operators temporarily maintaining on their premises, for a period of 60 days or less, animals owned by others.

Proper enclosure means securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top and shall provide protection from the elements for the animal. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the animal from exiting. A chicken coop is a type of enclosure separately regulated herein.

Provocation means an act that an adult could reasonably expect may cause a dog to attack or bite.

Rooster means a male chicken.

Running at large means off the premises of the owner or keeper and not under the control of a person by leash, cord or chain of not more than ten feet in length.

SECTION 2. City Code of Ordinances, Chapter 4 – ANIMALS, ARTICLE I. – IN GENERAL, Sec. 4-7. – Zoning restrictions; accessory use license, is hereby amended as follows:

Sec. 4-7. – ~~Zoning r~~Restrictions; accessory use license

(a) *Non-domesticated animals.*

(1) *Keeping.* No person shall keep, maintain or harbor within the city any animal or species prohibited by federal or state law or any non-domesticated animal or species, including, but not limited to, the following:

- i. Any farm animal, other than chickens, as allowed by Code or unless licensed by the City.
- ii. Any skunk, raccoon, bear or badger.
- iii. Any cat of the family Felidae such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated house cats.
- iv. Any member of the family Canidae, such as, wolves, foxes, coyotes, dingos and jackals, except domesticated dogs.
- v. Any crossbreed such as the crossbreeds between dogs and coyotes or dogs and wolves but does not include crossbred domesticated animals.
- vi. Any poisonous pit viper such as a rattlesnake, coral snake, water moccasin or cobra.
- vii. Any other animal not listed explicitly above but which can reasonably be defined as a wild animal or animal prohibited by this section.

(2) *Sale.* No person shall offer for sale, within the city limits, any animal prohibited in subsection (a) of this section.

(3) *Exceptions.* The keeping restrictions of this section shall not apply to the following:

- (i) Nonpoisonous snakes, birds kept indoors, hamsters, mice, rabbits, gerbils, white rats, guinea pigs, chinchillas, ferrets, or lizards, and

similar small animals capable of being maintained continuously in cages.

- (ii) Animals kept by any bona fide research institution or veterinary hospital licensed pursuant to this Section and demonstrating the existence of adequate protective devices to prevent such animals from escaping or injuring the public.
- (iii) Animals that qualify as service animals under federal law, defined as a dog or another federally recognized service animal, which are individually trained to perform tasks or do work for the benefit of an individual with a disability including physical, sensory, psychiatric, intellectual or other mental disabilities.
- (iv) Animals for which their owner has requested a reasonable accommodation for a disability from the City and the City has granted the accommodation pursuant to City policy or applicable code.

(b) (a) *Animals, other than dogs, cats and chickens. Keeping restricted; license required.* It is unlawful for any person to keep any animal, not in transit, in any part of the city, unless the animal is a dog, cat or chicken otherwise allowed by City Code, or unless the area where the animal is kept is zoned for agricultural purposes or a license has been issued for an accessory use in an approved zoo, museum, or educational facility as permitted under chapter 10.

(1) (b) *Application.* Application for license under this section must be made to the city's animal control officer and shall comply with the following:

- (1) (i) The application must demonstrate the purpose for keeping of animals as accessory to an approved principal use of property as a zoo, museum, or educational facility as defined in chapter 10.
- (2) (ii) Applicants must provide information for each type of animal; information must include species, type of housing provided, fencing and required enclosures, manure management plan, groundwater and surface water protection, sound and odor control, as well as other pertinent information required by the city's animal control officer.
- (3) (iii) The application shall be accompanied by a site plan that conforms to section 10-1812.
- (4) (iv) An application fee, as set by city council resolution and provided in the city fee schedule, shall be submitted with the application.

(2) (e) *Property inspection.* The property subject to an application will be subject to inspection of the premises where the animals are to be located.

(3) ~~(d)~~ *Factors considered.* Considerations in granting a license shall include, but not be limited to, the ability to provide adequate fencing, housing of the animals, sufficient and appropriate space for the animals indoors and out, a plan for waste disposal, surface water and groundwater quality protection, and impact on abutting properties.

(4) ~~(e)~~ *Neighborhood meeting required.* As part of the application review process, a neighborhood meeting shall be held by the animal control office whereby the abutting property owners may review and provide testimony regarding the application. If an abutting property owner can demonstrate that such use may negatively impact their property, then the license application shall be denied by the animal control officer.

(5) ~~(f)~~ *Appeal of license denial.* Applicants whose license application has been denied may file a written request for an appeal to the city clerk within five days of being informed of the decision to deny the issuance of a license. The city council will then review the decision to determine whether or not the action was correct. The city council may, in connection with its review of the action, either affirm, reverse, or modify the actions. The applicant shall be advised by mail of the date and time that the council will hear the applicant's appeal.

(6) ~~(g)~~ *License conditions.* Licenses shall specify any restrictions, limitations, conditions or prohibitions which the city's animal control officer deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, annoyance, or to protect the public health or safety. In no case shall the total number of animal units exceed ten as defined by county feedlot ordinances.

(7) ~~(h)~~ *Modifications.* A license may be modified from time to time by the city manager or designee. Modification of the license shall be effective from and after ten days from the date of the written notice of modification to the license holder.

(8) ~~(i)~~ *Revocation.* A license may be revoked or suspended for violations of this Code, or by reason of the violation of any health or nuisance ordinance, or other order, law or regulation. Revocation of the license shall be effective ten days after the date of the written notice of revocation. Revocation of a license may be appealed pursuant to the appeal process set forth in chapter 2.

SECTION 3. City Code of Ordinances, Chapter 4, ANIMALS, ARTICLE I. - IN GENERAL, is hereby amended by adding the following new Section 4-10:

Sec. 4-10. Adopted by Reference.

For the purpose of prescribing regulations governing the keeping of animals, the city hereby adopts the following rules and statutes, as they may be amended or recodified from time to time:

- (a) M.S.A. §§ 343.20 to 343.40 for prevention of to animals;
- (b) M.S.A. Chapter 346 regarding stray and companion animals;

- (c) M.S.A. § 346.57 regarding dog, cat or ferrets in motor vehicles;
- (d) M.S.A. Chapter 347 regarding cats and dogs;
- (e) M.S.A. §§ 347.51, 347.515 and 347.52 regarding dangerous dogs; and
- (f) M.S.A. §§ 609.226 and 609.227 regarding assault by dog.

SECTION 4. City Code of Ordinances, Chapter 4, ANIMALS, is hereby amended by adding the following new Article III. - CHICKENS:

Article III. – CHICKENS

Sec. 4-89. – General Requirements.

Any person keeping chickens in single-family dwelling units shall adhere to all requirements below:

- (a) Hens, defined herein as “chickens”, may be may kept, harbored, maintained, or cared for in any residentially used or residentially zoned property that has a single-family dwelling unit on it. No person shall keep chickens on any property with two or more dwelling units on it. The keeping, harboring, maintaining, or caring for of roosters, cockerels, capons or any other poultry is prohibited under all circumstances.
- (b) The owners of the chickens shall live in the single-family dwelling unit on the property.
- (c) No person shall keep more than four total chickens on any single-family residential property. This number shall be in addition to the maximum number of domestic animals permitted under this Chapter, including Section 4-38 of City Code.
- (d) Chickens must at all times remain confined on the premises and in a chicken coop or chicken run, located in the property’s rear yard, as that term is defined in Article X of the Mankato City Code, and properly protected from the weather and predators. No person shall keep, harbor, maintain or care for chickens without first constructing a chicken coop and chicken run in compliance with the requirements set forth in this Section. No free-range keeping or running at large of chickens is allowed.
- (e) Chickens shall have access to the outdoors in a chicken run.
- (f) Chicken coops and chicken runs shall be maintained in a clean and sanitary condition, and in good repair. Flies, rodents and objectionable odors shall be contained.
- (g) Chickens shall not be kept inside a dwelling or garage, except chickens which are four weeks of age or younger.

- (h) All grain and food stored for the use of the chickens shall be kept in rodent-proof and leak-proof containers with tight-fitting covers.
- (i) Chicken coops and chicken runs shall be kept free of accumulated fecal matter and all collected fecal material shall be bagged and properly disposed of at least once a week. Stored fecal matter must be kept in a leak-proof container with a tight-fitting cover until removal from the premises.
- (j) It shall be unlawful for any person who is a tenant, renter, or lessee of a residential property to keep or maintain chickens on said property, without first obtaining the express written consent of the property owner or authorized property management company.
- (k) No person shall raise chickens for breeding purposes.
- (l) No person may slaughter any chicken on residentially-used properties or within any residential zone within the City.
- (m) No person keeping a chicken may advertise the sale of chickens or eggs and must comply with all Minnesota Department of Agriculture requirements for such sale.
- (n) Cockfighting is specifically prohibited.

Sec. 4-91. – Chicken Coop and Chicken Run Requirements.

- (a) Accessory Structure Zoning Permit. Any person desiring to construct or place a chicken coop and a chicken run on a property within the City shall be required to apply for and receive an accessory structure zoning permit from the City. If the person desiring to construct or place a chicken coop on a property is not the property owner, the property owner must sign the permit application in addition to the applicant.
- (b) All chicken coops in the city shall adhere to the following requirements:
 - (1) Structural Requirements:
 - i. Chicken coops must be suitably designed and constructed in a workmanlike manner to provide the chickens with protection from the elements, prevent the chickens from escaping, and deter access by rodents or predators.
 - ii. Maximum size must not exceed an area of one hundred twenty (120) square feet or a height of six (6) feet.
 - (2) Chicken coops must be located entirely in a property's rear yard and set back at least 10 feet from any property line, including from a rear property line adjacent to or abutting a street or alley.

- (3) The distance between a chicken coop and the nearest wall of the primary residential structure on the property must be less than the distance between the chicken coop and the nearest wall of any neighboring residential structure.
 - (4) Chicken coops shall not count towards maximum ground coverage requirements applicable to the property's applicable zoning district.
- (c) All chicken runs in the city shall adhere to the following requirements.
- (1) Chicken Run Structural Requirements:
 - i. Chicken run must be suitably designed and constructed in a workmanlike manner to prevent chickens from escaping, and to deter access by rodents, or predators.
 - ii. Chicken run must be enclosed with fencing, weather resistant/green treated wood and/or woven wire materials, and must allow chickens to contact the ground.
 - iii. Chicken run must have a form of protected netting overhead sufficient to prevent access by predators or other animals.
 - (2) Maximum size of chicken run must not exceed an area of twenty square feet per hen kept on property or a height of six (6) feet.
 - (3) Chicken runs must be located entirely in a property's rear yard and set back at least 10 feet from any property line, including from a rear property line adjacent to or abutting a street or alley.
 - (4) The distance between a chicken run and the nearest wall of the primary residential structure on the property must be less than the distance between any side of the chicken run and the nearest wall of any neighboring residential structure.
 - (5) Chicken runs shall not count towards maximum ground coverage requirements applicable to the property's applicable zoning district.

Sec. 4-92. – Prevention of Nuisance Conditions.

Owners shall care for chickens in a humane manner. It shall be a public nuisance to fail to meet any of the following conditions:

- (a) Chicken coops and chicken runs must be maintained in good repair and in a clean and sanitary manner free of vermin, rodents and objectionable odors.
- (b) Feces and discarded feed must be regularly collected and stored in a leak-proof container with a tight-fitting cover to prevent nuisance odors and the attraction of vermin or rodents until it can be disposed of properly.

- (c) Chicken feed must be stored in leak-proof containers with a tight-fitting cover to prevent attracting vermin or rodents.
- (d) Composting of feces and discarded feed is allowed. Such composting must be performed at least 10 feet from the property lot lines. The composting of chicken feces is allowed for personal use only, and must be kept in a secure, enclosed bin designed for composting. The compost must be fully processed and stabilized before being applied to any soil used for cultivating food crops. If no composting occurs, then all collected fecal material shall be bagged and properly disposed of at least once a week.
- (e) Chickens shall be secured inside of the chicken coop from sunset to sunrise each day to prevent nuisance noise and attracting predators.
- (f) Chickens shall remain in either the chicken coop or chicken run at all times and shall not run at large.
- (g) Chicken coops shall be winterized in a manner sufficient to protect the chickens in cold weather.

Sec. 4-93. – Penalties.

Unless otherwise specifically noted herein, a violation of any provision of city's Animal Code, Chapter 4, shall be a misdemeanor under state law. In addition, the provisions of this Article III shall be subject to enforcement by administrative citations and subject to civil fines pursuant to the Administrative Procedure set forth in Chapter 2, Article III, of this code, and nuisance abatement actions which may be pursued in Civil District Court action. If any section, subsection, sentence, clause, or phrase of this Article III is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Article III.

SECTION 5. EFFECTIVE DATE. This Ordinance shall, in accordance with the provisions of Section 2.14 of the Mankato City Charter, become effective thirty (30) days after publication of notice of its adoption.

Passed and adopted this ____ day of ____, 2026

By: _____
Najwa Massad, Mayor

Attest: _____
Renae Kopischke, City Clerk