

**ORDINANCE NO. 1349**

**AN ORDINANCE AMENDING FRIDLEY CITY CODE CHAPTER 101. ANIMAL CONTROL BY REDEFINING OR ADDING DEFINITIONS TO SECTION 101.01 DEFINITIONS; CREATING A NEW SECTION 101.04 ALLOWING FOR AND REGULATING CHICKENS; CREATING A NEW SECTION 101.05 ALLOWING FOR AND REGULATING HONEYBEES; AMENDING SECTION 101. 14 CHANGING KENNELS TO MULTIPLE PET LOCATIONS AND RENUMBERING SECTIONS OF THIS CHAPTER AS REQUIRED.**

The Fridley City Council hereby finds after review, examination and recommendation of staff that Chapter 101 related to Animal Control be hereby amended and ordains as follows:

FRIDLEY CITY CODE  
CHAPTER 101. ANIMAL CONTROL

**SECTION I: That Section 101.01 be hereby amended and renumbered as follows:**

101.01 DEFINITIONS

**The following definitions shall apply in the interpretation and application of this Chapter and the following words and terms, wherever they occur in this Chapter, are defined as follows:**

10. Kennel.

~~Any lot or premises on which four (4) or more dogs or cats, or any combination of four (4) or more dogs or cats, at least six (6) months of age, are kept. (Ref. 979.)~~ A place where two or more dogs, cats, or any combination thereof are kept:

A. For the business of selling, boarding for a fee, breeding for sale, training or some other enterprise intended primarily for profit making purposes;

B. Are licensed by the Minnesota Board of Animal Health; and

11. Livestock.

Horses, cattle, goats, rabbits, sheep, swine, fowl, and other animals used for utility.

12. License.

The authority to keep an animal within the City of Fridley.

13. Multiple Pet Location

Any residential lot where an occupant of the residence desires to keep more than three (3) dogs, cats or any combination thereof that are at least six (6) months of age as pets.

~~13~~ 14. Pet Shop.

~~14~~ 15. Potentially Dangerous Dog\

- 15 16. Rodents.
- 16 17. Under Strict Control
- 17 18. Veterinary Hospital.
- 18 **19. Waterfowl**
- 19 20. Wild Animals.

**SECTION II: That Section 101.04 be hereby amended by creating new language allowing for the keeping and regulating of chickens as follows:**

**101.04. Chickens**

**1. Purpose:**

- A. The purpose of this ordinance is to allow for the keeping of chickens on a small-scale basis and to address the negative impacts such as noise and odors that may result and that are not typical in urban areas.
- B. The keeping of chickens, sometimes referred to as “urban chickens” or “city chickens” is a movement spreading across the state and country. The urban chicken movement allows for the keeping of chickens on a small-scale for the purpose and desire of people to be closer to their food sources. This movement allows people to raise chickens in an urban environment to have access to fresh eggs on a regular basis for their own individual use and consumption.

**2. Definitions**

- A. Chicken. A chicken (*Gallus gallus domesticus*) is a domesticated type of fowl that serves as an egg or meat source.
- B. Clucking. The sound uttered by a hen when laying eggs, brooding, or in calling her chicks.
- C. Coop. The structure for the housing of chickens permitted by this chapter.
- D. Crowing. The sound uttered by a rooster is the ‘singing’ of the rooster. Roosters crow for many reasons including: reacting to a disturbance, reacting to almost any kind of sound (cars, people, other roosters, other animals, etc.), guarding their territory, feeling threatened, a predator ‘trespassing’ on their territory, or just communicating with other chickens
- E. Hen. A hen is a female chicken.
- F. Rooster. A rooster is a male chicken.
- G. Run. A fully enclosed and covered area attached to a coop where the chickens can roam unsupervised.

### 3. License Required

- A. No person shall keep, harbor, maintain or allow the keeping of chickens on any property in the City without an approved license. If the applicant is a tenant, they must also provide proof of approval of owner permitting the keeping of chickens.
- B. Education and training on how to raise chickens is required for the individual prior to the issuance of the initial license by the City. At the time of application for licensing, the individual must submit proof of completion of an educational course on the care and keeping of chickens.
- C. The application for licensing must be upon a form provided by the City. All required information must be complete, including the number and breed of chickens, a diagram or photograph of the proposed coop and run, description of sanitation control and a description on how chicken feed will be maintained or stored.
- D. A site plan of the property showing the location, size, and setback requirements of the proposed chicken coop and run shall be required.
- E. The property must be in compliance with all other applicable City regulations in order to receive approval and renewal.
- F. If the licensee fails to maintain the standards of practice subsequent to issuance of the license, the Community Development Director or designee license may revoke the license.
- G. Within six months of the effective date of this section, individuals who have been keeping chickens in the City must either apply for and receive a license or remove the chickens and structures from property.
- H. The license shall be valid until April 30<sup>th</sup> of each calendar year following initial issuance and must be renewed prior to annual expiration by submitting a renewal form provided by the City and the required renewal fee.
- I. The fees for the license are set in Chapter 11 of the Fridley City Code.

### 4. Location and Size of Coop and Run

- A. Residents on properties zoned R-1, Single Family Residential may be permitted to keep and raise chickens as a hobby with a license and shall be limited to a maximum of six chickens per property.
- B. Coop and run area must be located in the backyard and must be located a minimum of thirty (30) feet from all adjacent property lines.
- C. Coop and covered run area shall be limited to no more than sixty (60) square feet.

- D. Coop size shall be not less than three (3) square feet per bird, be weather proof and fully enclosed.
- E. The coop shall comply with current zoning and building codes. The coop shall be constructed with architecturally appropriate building materials including exterior grade siding and either a metal, composite or shingled roof. In the alternative, coop may be purchased from a commercial source that constructs structures specifically to be used as coops for chickens.
- F. The run shall have a fence around the enclosure and shall be securely constructed with mesh type material.
- G. The run shall have protective overhead netting or fencing to prevent the chickens from roaming freely and to protect them from other animals.
- H. If the keeping of chickens has been discontinued for more than 12 months, the licensee must remove the coop and run and restore the site within 90 days.

## 5. Conditions

- A. There shall be a maximum of six chickens kept on site at any one time.
- B. There shall be no roosters or loud clucking hens permitted on site.
- C. There shall be no chickens allowed or kept inside of any residential garage or dwelling unit.
- D. Chickens shall be secured inside of a shelter from sunset to sunrise each day to prevent nuisance noise and attraction of predators.
- E. Chickens shall be confined to the chicken coop and run area and may not roam free on the property.
- F. Housing facilities and grounds shall be maintained in a clean and sanitary condition, and kept in good repair. Flies, rodents and noxious odors shall be controlled. Facilities shall be kept free of fecal matter and collected fecal matter shall be properly stored and disposed of weekly.
- G. If chickens are to be maintained during the winter months, the chicken coop shall be winterized to protect the chickens in cold weather.
- H. Chickens shall be fed within the confines of the chicken coop or run area. Feed shall be stored in leak-proof containers with a tight-fitting cover to prevent attracting vermin.

- I. The raising of chickens for breeding purposes is prohibited on residentially used or zoned properties.
- J. There shall be no slaughtering or butchering of any chickens on residential properties within the City of Fridley.

## **6. Inspection**

As a part of the initial license application or annual renewal each resident must allow an inspection of the coop and run area. The Community Development Director or designee shall have the right to inspect any coop and run for the purpose of ensuring compliance with this section between 8 a.m. and 5 p.m. Monday through Friday upon providing prior notice to the owner of the property. In the case of a complaint regarding the coop and run, the site may be inspected without prior notice. In the event the licensee moves to a new residential lot within the City of Fridley, the licensee is required to complete a new application for the new location.

## **7. Appeal and Hearing Procedure**

- A. Licenses issued under this section may be denied, revoked or non-renewed due to any of the following:
  - 1) The keeping of chickens in a manner which constitutes a nuisance to the health, safety or general welfare of the public;
  - 2) A chicken may be impounded by the city pursuant to City Code Section 101.11 if it is found to be at large in violation of this section. After being impounded for five (5) business days without being reclaimed by the owner, it may be humanely euthanized or sold. A person reclaiming any impounded chickens shall pay the cost of impounding and boarding of the chicken(s).
  - 3) Fraud, misrepresentation, or a false statement contained in the registration application or during the course of the registered activity; or
  - 4) Any violation of the applicable provisions in this Chapter.
- B. Notice of approval, denial revocation or non-renewal must be made in writing to the applicant. The applicant may request a hearing by submitting a written request to the city clerk within fourteen (14) business days of the date of the notification letter.
- C. The Appeals Commission shall hold a hearing on a contested approval, denial, revocation, or non-renewal. The appeal process to be used shall be the same process described in Section 128.06 of the Fridley City Code. At the hearing, the applicant may speak and may present witnesses and other evidence. Upon the conclusion of the hearing, the Appeals Commission shall issue a written decision that includes findings of fact. The City shall provide the applicant with a copy of the Appeals Commission decision. The applicant may appeal the Commission's decision to the city council by submitting a written request to the

city clerk within fourteen (14) business days of the date of the Appeals Commission decision.

**SECTION III: That Section 101.05 be hereby amended by creating new language allowing for the keeping and regulating honeybees as follows:**

101.05. Beekeeping

1. Purpose

Honeybees are an asset to the community and important in the pollination of plants and production of honey and other products. The purpose of this ordinance is to allow for the hobby of keeping honeybees and to establish certain requirements for beekeeping within the City, to avoid issues which might otherwise be associated with beekeeping in populated areas.

2. Definitions

As used in this section of the Code, the following words and terms shall have the meanings ascribed in this section unless the context of their usage indicates another usage.

- A. Accredited Institution. An educational institution holding accredited status which has been licensed or registered by the Minnesota Office of Higher Education at the time the registrant obtained his or certificate.
- B. Apiary. The assembly of one or more colonies of bees on a single lot.
- C. Apiary Site. The lot upon which an apiary is located.
- D. Beekeeper. A person who owns or has charge of one or more colonies of honeybees or a person who owns or controls a lot on which a colony is located whether or not the person is intentionally keeping honeybees.
- E. Beekeeping Equipment. Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom board and extractors.
- F. Colony. An aggregate of honeybees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs and honey.
- G. Hive. The receptacle inhabited by a colony.
- H. Honeybee. All life stages of the common domestic honeybee, *apis mellifera*. This definition does not include wasps, hornets, African subspecies or Africanized hybrids.
- I. Licensee. Any beekeeper or person who has applied and received approval of a beekeeping license.

- J. Nucleus Colony. A small quantity of honeybees with a queen housed in a smaller than usual hive box designed for a particular purpose, and containing no supers.
  - K. Queen. An adult mated female that lives in a honeybee colony or hive that is usually the mother of most, if not all, of the bees in the beehive. A queen is developed from larvae selected by workers bees and specifically fed in order to become sexually mature.
  - L. Super. A box that holds the frames where bees will store the honey.
  - M. Swarming. The process where a queen bee leaves a colony with a large group of worker bees in order to form a new honeybee colony.
  - N. Unusual Aggressive Behavior. Any instance in which unusual aggressive characteristics such as stinging or attacking without provocation occurs. Provocation is an act that an adult could reasonably expect may cause a bee to sting or attack.
3. Beekeeping License Required.
- A. No person shall keep, harbor, maintain or allow to be kept any hive or other facility for the housing of honeybees on or in any property in the City without an approved license.
  - B. Beekeeping training and education is required for the beekeeper prior to the issuance of the initial beekeeping license by the City. At the time of application for licensing, the beekeeper must submit a certificate of completion of a honeybee keeping course from an accredited Minnesota institution.
  - C. The application of licensing must be upon a form provided by the City. All required information must be complete.
  - D. Each apiary site must apply for a license and receive approval prior to bringing any honeybees into the City.
  - E. The beekeeping license shall be valid until April 30<sup>th</sup> of each calendar year following initial issuance and must be renewed prior to annual expiration by submitting a renewal form provided by the City and paying the required renewal fee.
  - F. Upon receipt of an application for initial license, the City will send written notice to all owners of properties located within 200 feet of the property line of the apiary site identified on the application. Any objections must be made in writing and received within fourteen (14) business days of mailing the notice.
  - G. The license may be denied if the City receives a written objection from a resident living within the designated notification area who provides reasonable evidence that he or she or a member of his or her household has an allergy to honeybee venom.
  - H. The fees for the license are set in Chapter 11 of the Fridley City Code.

- I. The property must be in compliance with all other applicable City regulations in order to receive approval and renewal.
- J. If the licensee fails to maintain the standards of practice subsequent to issuance of a beekeeping license, the community development director or designee may revoke the license.
- K. Beekeepers operating in the City prior to the effective date of this section must either apply for and receive a license or remove the bees and structure within six months of the effective date.

#### 4. Colony Location

- A. Residents on properties zoned R-1, Single Family Residential may be permitted to keep and raise honeybees as a hobby and shall be limited to two colonies per property.
- B. Hives must be located in the backyard and must be located a minimum of thirty (30) feet from all property lines.
- C. If any licensed beekeeper serves the community by removing a swarm or swarms of honeybees from locations where they are not desired, that person shall not be considered in violation of the colony density restrictions in this section if the following conditions are met:
  - 1) The person temporarily houses the honeybees at an apiary site of a beekeeper licensed by the City;
  - 2) The bees are not kept for more than thirty (30) days; and
  - 3) The site remains in compliance with the other provisions of this section.

#### 5. Required Conditions

- A. No more than two colonies may be kept on the property at one time.
- B. For each colony permitted to be maintained in this section, there may also be maintained upon the same apiary lot, one nucleus colony in a hive structure not to exceed one standard nine and five-eighths (9 5/8) inch depth box, ten frame hive body with a maximum of 5 supers.
- C. Honeybee colonies shall be kept in hives with removable frames which shall be kept in sound and usable condition.
- D. Each colony on the apiary site shall be provided with a convenient source of water which must be located within ten feet of each active colony.

- E. Materials from a hive such as wax combs or other materials that might encourage robbing by other bees shall be promptly disposed of in a sealed container or placed within a building or other bee and vermin proof enclosure.
- F. Beekeeping equipment must be maintained in good condition, including keeping the hives free of chipped and peeling paint if painted, and any unused equipment must be stored in an enclosed structure.
- G. Hives shall be continuously managed to provide adequate living space for their respective honeybees in order to prevent swarming.
- H. In any instance in which a colony exhibits unusual aggressive behavior, it shall be the duty of the beekeeper to promptly re-queen the colony.
- I. Honey may not be sold from any residential property.

6. Inspection.

As part of the initial application or annual renewal, each beekeeper must allow an inspection of the apiary site. The community development director or designee shall have the right to inspect any apiary for the purpose of ensuring compliance with this section between 8 a.m. and 5 p.m. Monday through Friday upon providing prior notice to the owner of the apiary property. In the case of a complaint regarding the apiary, the apiary site may be inspected without prior notice. In the event the licensee moves to a new residential lot within the City of Fridley, the licensee is required to complete a new application for the new location.

7. Appeal and Hearing Procedure.

- A. Licenses issued under this section may be denied, revoked or non-renewed due to any of the following:
  - 1) The keeping of honeybees in a manner which constitutes a nuisance to the health, safety or general welfare of the public;
  - 2) Fraud, misrepresentation, or a false statement contained in the license application or during the course of the licensed activity; or
  - 3) Any violation of the applicable provisions in this Chapter.
  - 4) Objection by a resident as stated in this chapter.
- B. Notice of approval, denial revocation or non-renewal must be made in writing to the applicant and to any person opposing the initial application specifying the reason(s) for the action. The applicant or any person opposing the application may request a hearing by

submitting a written request to the city clerk within fourteen (14) business days of the date of the notification letter.

- C. The Appeals Commission shall hold a hearing on a contested approval, denial, revocation, or non-renewal. The appeal process to be used shall be the same process described in chapter Section 128.06 of the Fridley City Code. At the hearing, the applicant and any person opposing the initial application may speak and may present witnesses and other evidence. Upon the conclusion of the hearing, the Appeals Commission shall issue a written decision that includes findings of fact. The City shall provide the applicant and any opposing party with a copy of the Appeals Commission decision. The applicant may appeal the Commission's decision to the city council by submitting a written request to the city clerk within fourteen (14) business days of the date of the Appeals Commission decision.

**SECTION IV: That Sections 101.04 to 101.13 be hereby renumbered as follows:**

- 101.~~04~~ 06. ANIMAL NUISANCE
- 101.~~05~~ 07. DOG LICENSING
- 101.~~06~~ 08. REVOCATION
- 101.~~07~~ 09. EXEMPTIONS
- 101.~~08~~ 10. FEES
- 101.~~09~~ 11. IMPOUNDING
- 101.~~10~~ 12. ANIMAL BITES, QUARANTINE
- 101.~~11~~ 13. PROHIBITED ANIMALS
- 101.~~12~~ 14. COMPLAINTS
- 101.~~13~~ 15. MUZZLING

**SECTION V: That Section 101.14 Kennels be hereby renumbered and amended by changing Kennels to Multiple Pet Locations as follows:**

101.~~14~~16. KENNELS MULTIPLE PET LOCATION

1. License Requirement.

**No person shall keep or maintain more than three (3) dogs or cats, or any combination of dogs or cats that are at least six (6) months of age as pets on a residential lot a-kennel in the City except without obtaining a kennel multiple pet location license. consistent with the zoning requirements of this Code.**

2. License Application

**Application for a kennel multiple pet location license shall be made on forms provided by the City. Such application shall contain the following information:**

- A. ~~Location, on the premises,~~ The name, address, e-mail and phone number of the applicant of the kennel multiple pet location.

- B. A site plan showing the location of the structures and fencing for the housing or shelter and run for the exercise of the dogs and/or cats. If the dogs and/or cats are to be kept primarily within the home or other building of the residence of the applicant or of any other person, the application shall so state.
- C. The maximum number and type of breed(s) of dogs, cats or any combination thereof, to be kept on the premises.
- ~~D. The distance of any run areas or housing for dogs and/or cats from any building structures suitable for human habitation, or a public place where food is bought, stored or eaten. This distance shall be a minimum of 200 feet.~~
- ~~E. The premises for any keeping of dogs and/or cats shall be fenced and a simple plan showing the location of fencing shall be furnished. The fencing must be of such quality and design so that it will contain the dogs and/or cats.~~
- ~~DF. Method to be used in keeping the premises in a sanitary condition.~~
- ~~EG. Method to be used in keeping the dogs and/or cats quiet.~~
- ~~FH. An agreement by the applicant that the premises may be inspected by the City at all reasonable times.~~

### 3. Issuance of License.

**The City shall have discretion in determining whether or not to issue a license. In making such determination, the City shall take into consideration the ~~adequacy of the housing, the runs for the animals, the method used for generation, the method used to keep the animals quiet, the facilities for containing the animals~~ conditions listed below and with particularity, any violations during the previous license period.**

### 4. Conditions

- A. Housing facilities and grounds shall be maintained in a clean and sanitary condition and kept in good repair. Facilities shall be kept free of fecal matter and collected fecal matter shall be properly disposed of weekly so as not to create a public nuisance as defined in Chapter 110 of this Code.
- B. The premises for keeping of dogs and/or cats shall be fenced. The fencing must be of such quality and design so that it will contain the dogs and/or cats.
- C. If dogs and cats are to be maintained outside during the winter months, the housing or shelter shall be winterized to protect the dogs or cats from the harsh elements of the cold.

- D. Animal feed shall be stored in leak-proof containers with tight-fitting covers to prevent attracting vermin so as not to create a public nuisance as defined in Chapter 110 of this code.
- E. The animals are maintained in a manner that they do not become a public nuisance as defined in Section 101.06 of this Code.

45. Kennel Multiple Pet Location License Fee.

The annual license fee and expiration date shall be as provided in Chapter 11.1 of this Code.

6. Inspection

As a part of the initial license application or annual renewal, each resident must allow an inspection of the housing facilities and grounds. The community development director or designee shall have the right to inspect the property for the purpose of ensuring compliance with this section between 8 a.m. and 5 p.m. Monday through Friday upon providing prior notice to the owner of the property. In the case of a complaint regarding the multiple pet location, the site may be inspected without prior notice. In the event the licensee moves to a new residential lot within the City of Fridley, the licensee is required to complete a new application for the new location.

57. Appeal and Hearing Procedure License Revocation.

- A. Licenses issued under this section may be denied, revoked or non-renewed due to any of the following:
  - 1) The keeping of dogs or cats in a manner which constitutes a nuisance to the health, safety or general welfare of the public;
  - 2) A dog or cat may be impounded by the city pursuant to City Code Section 101.11 if it is found to be at large in violation of this section. After being impounded for five (5) business days without being reclaimed by the owner, it may be humanely euthanized or sold. A person reclaiming an impounded dog or cat shall pay the cost of impounding and boarding of the dog or cat.
  - 3) Fraud, misrepresentation, or a false statement contained in the license application or during the course of the licensed activity; or
  - 4) Any violation of the applicable provisions in this Chapter.
- B. Notice of approval, denial revocation or non-renewal must be made in writing to the applicant specifying the reason(s) for the action. The applicant may request a hearing by submitting a written request to the city clerk within fourteen (14) business days of the date of the notification letter.

C. The Appeals Commission shall hold a hearing on a contested approval, denial, revocation, or non-renewal. The appeal process to be used shall be the same process described in Section 128.06 of the Fridley City Code. At the hearing, the applicant may speak and may present witnesses and other evidence. Upon the conclusion of the hearing, the Appeals Commission shall issue a written decision that includes findings of fact. The City shall provide the applicant with a copy of the Appeals Commission decision. The applicant may appeal the Commission's decision to the city council by submitting a written request to the city clerk within fourteen (14) business days of the date of the Appeals Commission decision.

~~If a license is granted and the applicant thereafter fails to comply with the statements made in the application or any other conditions reasonably imposed, or violates any other provisions of this Chapter, the licensee shall be notified by mail and given ten (10) days to remedy any defects or defaults. If such condition is not remedied in ten (10) days, a hearing shall be held at least ten (10) days after mailed notice to the licensee. The licensee and all other interested parties shall have the opportunity to be heard. If it shall appear that said kennel is not being properly maintained, the City may revoke the kennel license and the keeping of three (3) or more dogs, three (3) or more cats, or any combination of three (3) or more dogs and cats shall be immediately discontinued.~~

**SECTION VI: That sections 101.15 to 101.20 be hereby renumbered as follows:**

- ~~101.15~~ 17. ANIMAL CONTROL OFFICER
- ~~101.16-18.~~ GUARD DOGS
- ~~101.17~~ 19. SEEING EYE DOGS
- ~~101.18~~ 20. CRUELTY TO ANIMAL
- ~~101.19~~ 21. RELATION TO OTHER LAW
- ~~101.20~~ 22. PENALTIES

**SECTION VII: That Chapter 11 FEES be hereby amended setting the fee for the licensing of chickens, honeybees and multiple pet locations as follows:**

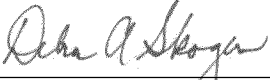
CODE	SUBJECT	FEE
101	<u>Chickens</u> <u>Initial Fee</u> <u>Renewal Fee</u> <u>Impound Fees</u>	<u>\$100</u> <u>\$25</u> <u>\$25</u>
101	<u>Honeybees</u> <u>Initial Fee</u> <u>Renewal Fee</u>	<u>\$100</u> <u>\$25</u>
101	<u>Kennel Multiple Pet Location</u> <u>Initial Fee</u> <u>Renewal Fee</u> <u>Impound Fee</u>	<u>\$100</u> <u>\$25</u> <u>\$25</u>

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRIDLEY THIS 27<sup>TH</sup>  
DAY OF NOVEMBER 2017.



Robert Barnette, Mayor Pro Tem

ATTEST:



Debra A. Skogen, City Clerk

First Reading: November 13, 2017  
Second Reading: November 27, 2017  
Publication Date: