

AGENDA  
HARMONY PLANNING & ZONING COMMISSION  
Regular Meeting

April 2, 2025  
7:00 P.M.

Council Room  
Community Center

1. Call To Order
2. Roll Call
3. Consent agenda:
  - a. Minutes
4. Business
  - a. Chicken Ordinance -
    - i. Examples:
      - (1) City of Canton's Chicken Ordinance, Application and Neighbor Consent
      - (2) City of Rushford's Chicken Ordinance
      - (3) City of Chatfield's Chicken Ordinance
  - b. Telecommunication Tower Ordinance –
    - i. Examples:
      - (1) City of Chatfield's Height Ordinance
      - (2) City of Preston's Height Regulations
      - (3) City of Canton's Conditional Use for Tower's
      - (4) Mike Huizenga example of "Fall Zone"
5. Adjourn

MINUTES  
HARMONY PLANNING & ZONING COMMISSION  
Regular Meeting

February 5, 2025  
7:00 P.M.

Council Room  
Community Center

Meeting was called to order by Jesse Grabau at 7:01 p.m.

P & Z Board Members Present: Rod Johnson, Erik Olson, and Jesse Grabau. Also present was Heath Olstad, Kelsey Biel, Brady Ristau and City Administrator Alissa Stelpflug. Virtually attending was Mike Huizenga.

CONSENT AGENDA: Board member Johnson motioned to approve the consent agenda which consisted of minutes from the previous meeting. Board member Olson seconded the motion. A vote was held. All in favor. Motion carried.

CHICKEN ORDINANCE: Kelsey Biel, Brady Ristau represented the Fillmore Central High School asking for the board to consider making an amendment to the current chicken ordinance. They are looking to add a chicken coop along with 10 laying hens in the empty lot across from the school. They would like to incubate the eggs, raise and harvest chickens. This will benefit Ag Construction Class with building the coop, Animal Science, Fish and Wildlife, Food Class and AFNR 7-9 classes. The possibility of adding a greenhouse was also mentioned. No motion was made. Administrator Stelpflug will gather examples from area towns on their current ordinances and further discussion will be held in March.

GSS INC. – TELECOMMUNICATION TOWER: Mike Huizenga attended virtually asking the Board to consider making an amendment to the current Zoning Ordinance in the Agricultural District. The current Ordinance doesn't include any telecommunication section. He would like to see the board add a telecommunication section to the ordinance including "fall zone" language. No motion was made. Administrator Stelpflug will gather examples from area towns and further discussion will be held in March.

Upon no further business, Board Member Grabau adjourned the meeting at 8:01 pm.

# CITY OF HARMONY PLANNING & ZONING

# AGENDA ITEM COVER SHEET

Originating Staff: <b>Alissa Stelpflug</b>	Meeting Date: <b>April 2, 2025</b>	Agenda Item No. <b>4a</b>
Agenda Section: <b>New Business</b>	Item: <b>Chicken Ordinance</b>	
<b>BACKGROUND:</b> The City Attorney's Office put together a Chicken Ordinance Draft using the attached examples as reference.		
<b>ATTACHMENTS:</b> Examples from Canton, Rushford and Chatfield		
<b>COUNCIL ACTION REQUESTED:</b>		

City of Harmony  
County of Fillmore  
State of Minnesota

Ordinance No. \_\_\_\_

AN ORDINANCE AMENDING THE CITY OF HARMONY CITY CODE CHAPTER 91, SECTION 91.04 RELATING TO FARM ANIMALS

The City Council of the City of Harmony ordains:

Section 1. The City Council of the City of Harmony hereby replaces Section 91.04 of the City Code in its entirety, to read as follows:

Section 91.04 Farm Animals.

(A) **Farm Animals Generally.** Farm animals shall only be kept in an agricultural district of the city, or on a residential lot of at least ten acres in size, provided that no animal shelter shall be within 300 feet of an adjoining piece of property. An exception shall be made to this section for those animals brought into the city as part of an operating zoo, veterinary clinic, scientific research laboratory, or a licensed show or exhibition, or those animals falling under 91.04(B).

(B) **Permitted Exception.**

a. **Definitions.** For purposes of this subdivision, the following terms shall have the following meanings:

1. Chicken means a farm bird that serves as a source of eggs or meat.
2. Coop means the structure for keeping or housing of chickens permitted by the ordinance.
3. Hen means a female chicken.
4. Rooster means a male chicken.
5. Run means a fully-enclosed and covered area attached to a coop or standing alone as an independent structure where chickens can roam unsupervised, while still being contained.

b. **Permit Required.** Any person desiring to keep chickens in an industrial district must first obtain a chicken permit from the City. Any person desiring to keep chickens in a residential district must first obtain a conditional use permit from the City. No permit shall be issued except in compliance with this section.

1. Any person desiring to obtain a chicken permit under this subdivision must make a written application to the City Clerk on a form provided by the City and pay an application fee as set in the City fee schedule.
2. All initial permits will expire on December 31<sup>st</sup> of the following year after their issuance unless sooner revoked. Renewal permits shall expire on December 31<sup>st</sup> of the second year following their issuance unless sooner revoked.
3. The City may revoke a permit by written notice to the permit holder for failure to comply with provisions of this section or any of the permit's conditions.

4. The keeping of any poultry besides chickens is prohibited.
  5. Roosters are prohibited.
  6. Outdoor slaughtering of chickens in city limits is prohibited.
  7. All premises on which chickens are kept or maintained shall be kept clean from filth, garbage, or excessive, odor causing deposits of manure. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property.
  8. All food shall be stored in an enclosed, rodent proof building or container.
- c. **Industrial Districts:** The keeping of chickens is permitted within any industrial zoning district subject to the following requirements:
- a. **Conditions.** Any permit will be subject to the following conditions:
    1. No more than one (1) hen chicken per four hundred square feet shall be housed or kept on any one industrial lot.
    2. Chickens must be confined at all times in a fully enclosed chicken coop or chicken run. Chicken coops and runs shall comply with the following requirements:
      - a. The floor area of any coop shall be a minimum of 2 square feet per chicken.
      - b. Coops larger than 50 square feet shall meet all accessory structure requirements of the City Code, except all coops or runs shall be located at least 50 feet from residential structures.
      - c. Any coop or run shall be no more than 200 square feet in size.
- d. **Residential Districts:** Within the R-1 and R-2 District hen chickens are not permitted except by conditional use permit subject to the following requirements:
- a. **Conditional Use Permit Requirements.** No conditional use permit shall be issued except in compliance with this section. Applications for a conditional use permit must include:
    1. All conditional use permits must include a scaled site plan diagram indicating the location of the chicken coop and the run on the property and the approximate size and distance from adjacent structures and property lines and neighboring residences;
    2. A construction plan or photograph of the coop to be used for the keeping of chickens; and,
    3. Written approval from all adjacent property owners.
  - b. **Conditions.** Any conditional use permit will be subject to the following conditions:
    1. No more than six (6) hen chickens shall be housed or kept on any one residential lot.
    2. Chickens must be confined at all times in a fully enclosed chicken coop or chicken run. Chicken coops and runs shall comply with the following requirements:

- a. Any chicken coop and run shall be at least 25 feet from any residential structure on any adjacent property and no closer than 10 feet from the property line.
- b. Chicken coops shall not exceed six feet in total height. All chicken coops as accessory structures must meet the requirements of the building and zoning codes.
- c. Chicken coops must be elevated with a clear open space of at least 24 inches between the ground surface and framing/floor of the coop.
- d. Chicken runs may be enclosed with wood and/or woven wire materials, and may allow chickens to contact the ground.
- e. Chicken coops must be screened from all adjacent properties and streets. Screening can include: an existing building; a four-foot high solid fence; or a four-foot in height (high) landscaped hedge.
- e. **Proper Disposal.** Dead chickens shall be disposed of according to the Minnesota Board of Animal Health rules, which require chicken carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours. Legal forms of chicken carcass disposal include offsite burial, offsite incineration or rendering, or offsite composting.
- f. **Inspections.** The City may inspect the premises for which a permit or conditional use permit has been granted in order to ensure compliance with this section.
- g. **Termination/Expiration of Permit.** Persons that intend to no longer keep chickens on their premises shall notify the City. Any coop or chicken run must be removed upon expiration or termination a permit or conditional use permit issued.

**(C) Violations and Penalties Specific to §91.04(B).**

- a. Any person violating any section of this ordinance shall be deemed guilty of a petty misdemeanor. In addition, a violation of this section shall be considered a nuisance under Chapter 92 of this ordinance and the city may abate the same as provided by that chapter.
- b. Each day a violation of this section is committed or permitted to continue shall constitute a separate offense and shall be punishable under this section.
- c. If a person is found guilty by a court for violation of this section, their permit or conditional use permit to own, keep, harbor, or have custody of chickens shall be deemed automatically revoked and no new permit may be issued for a period of one (1) year.
- d. Any person violating any conditions outlined in this section shall reimburse the City for all costs borne by the City to enforce the conditions violated including but not limited to the pickup and impounding of chickens.

Section 2: Effective Date. This ordinance shall take effect upon its summary publication in the City's official newspaper. Said publication shall read as follows:

Ordinance §91.04 allowing the keeping of chickens in industrial and residential areas, subject to specific conditions. A copy of the full ordinance is available for review at City Hall, 225 3<sup>rd</sup> Ave SW, Harmony, MN 55939.

Adopted this \_\_\_\_ day of April, 2025, by the Harmony City Council.

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Steve Donney, Mayor

ATTEST:

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Alissa Stelpflug, City Administrator

as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

Penalty, see ' 91.99

#### **' 91.04 FARM ANIMALS.**

Farm animals shall only be kept in an agricultural district of the city, or on a residential lot of at least ten acres in size provided that no animal shelter shall be within 300 feet of an adjoining piece of property. An exception shall be made to this section for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

#### **'91.041 CHICKENS.**

- (A) DEFINITIONS. The term "chicken coop" means a structure for housing chickens made of wood or other similar materials that provides shelter from the elements. The term "chicken run" means an enclosed outside yard for keeping chickens. The term "premises" means any platted lot or group of contiguous lots, parcels or tracts of land.
- (B) CHICKENS LIMITED. It is unlawful for any person to keep or harbor chickens on any premises without a permit. No permit should be issued for the keeping or harboring of more than six hen chickens on any premises. No permit shall be issued for the keeping of any rooster chickens on any premises.
- (C) PERMIT. No person shall maintain a chicken coop and run unless they have been granted a permit. The permit shall be subject to all terms and conditions of this chapter and any conditions deemed necessary by the Council to protect the public health, safety and welfare. The necessary permit applications will be available in the City Clerk's office. Included with the completed application shall be a scaled diagram that indicates the location of any chicken coop and run, the approximate size and distance from adjoining structures and property lines, and written approval from all adjacent property owners. A fee of \$10.00 will be charged for each permit which shall expire on December 31<sup>st</sup> of each year of the permit. Failure to follow any of the requirements of this ordinance shall be deemed a violation of this section and shall allow the City to revoke the permit and demand removal of the chickens.
- (D) CONFINEMENT. Every person who owns, controls, keeps, maintains or harbors hen chickens shall keep them confined at all times while in the City in a chicken coop or chicken run.
- (E) SETBACKS. Any coop and run shall be at least 25 feet from any residential structure on any adjacent property and no closer than 10 feet from the property line.
- (F) CHICKEN COOPS. Chicken runs may be enclosed with wood and/or woven wire materials, and may allow chickens to contact the ground. Chicken feed shall be kept in rodent and raccoon-proof containers.
- (G) CONDITIONS. No person who owns, keeps, or harbors hen chickens shall permit the premises where the hen 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 run may be inspected at any reasonable time by a City animal control official or other agent of the city.

(H) PENALTY. A violation is a misdemeanor, see '91.99

#### **' 91.05 IMPOUNDING.**

(A) *Running at large.* Any unlicensed animal running at large is hereby declared a public nuisance. Any Animal Control Officer or police officer may impound any dog or other animal found unlicensed or any animal found running at large and shall give notice of the impounding to the owner of the dog or other animal, if known. The Animal Control Officer or police officer shall not enter the property of the owner of an animal found running at large or the owner of an unlicensed animal unless the officer has first obtained the permission of the owner to do so or has obtained a warrant issued by a court of competent jurisdiction, as provided for in ' 10.20, to search for and seize the animal. In case the owner is unknown, the officer shall post notice at the city office that if the dog or other animal is not claimed within the time specified in division (C) of this section, it will be sold or otherwise disposed of. Except as otherwise provided in this section, it shall be unlawful to kill, destroy, or otherwise cause injury to any animal, including dogs and cats running at large.

(B) *Biting animals.* Any animal that has not been inoculated by a live modified rabies vaccine and which has bitten any person, wherein the skin has been punctured or the services of a doctor are required, shall be confined in the city pound for a period of not less than ten days, at the expense of the owner. The animal may be released at the end of the time if healthy and free from symptoms of rabies, and by the payment of all costs by the owner. However, if the owner of the animal shall elect immediately upon receipt of notice of need for the confinement by the officer to voluntarily and immediately confine the animal for the required period of time in a veterinary hospital of the owner's choosing, not outside of the county in which this city is located, and provide immediate proof of confinement in the manner as may be required, the owner may do so. If, however, the animal has been inoculated with a live modified rabies vaccine and the owner has proof of the vaccination by a certificate from a licensed veterinarian, the owner may confine the dog or other animal to the owner's property.

(C) *Reclaiming.* For the purposes of this section regular business day means a day during which the establishment having custody of the animal is open to the public at least four consecutive hours between 8:00 a.m. and 7:00 p.m. All animals conveyed to the pound shall be kept, with humane treatment and sufficient food and water for their comfort, at least five regular business days, unless the animal is a dangerous animal as defined under ' 91.11 in which case it shall be kept for seven regular

2010 Supp.



## Chicken Permit Application

Applicant Name \_\_\_\_\_

Permit Address \_\_\_\_\_

Parcel ID \_\_\_\_\_ Phone Number \_\_\_\_\_

Coop Location \_\_\_\_\_ Coop Sq. Ft. \_\_\_\_\_

Coop Height \_\_\_\_\_ Chicken Run (check one) Yes \_\_\_\_\_ No \_\_\_\_\_

Number of Hens \_\_\_\_\_ (only six permitted) Type of Hens \_\_\_\_\_

A diagram indicating the location of a chicken coop and/or chicken run must be included with this application. Please include location distance(s) from adjoining structures/property lines.

No permit shall be issued and no chickens shall be allowed to kept until the completed application, with required forms, have been received and a permit has been issued. Please attach the **Adjacent Neighbor Consent Form** to this application and check the box that you understand and have complied with the terms of this ordinance requirement. ☐

### Acknowledgement

I will, at all times, keep the chickens on my premises in accordance with City of Canton Ordinance 91.041. I understand failure to obey such conditions will constitute a violation of the provisions of this chapter and is grounds for cancellation of the permit and/or subject to criminal penalties prescribed by law. If I will no longer be keeping chickens on my premises, any chicken coops and/or chicken runs constructed or maintained shall be immediately removed. If my premises are subject to private restrictions, which prohibit the keeping of chickens, any permit issued to me will be void.

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

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### For Official Use Only

Permit No. \_\_\_\_\_ Fee Paid \_\_\_\_\_ Ordinance Copy Provided \_\_\_\_\_

City Agent \_\_\_\_\_ Date \_\_\_\_\_



## Chicken Permit Application: Adjacent Neighbor Consent Form

Applicant Name \_\_\_\_\_

Permit Address \_\_\_\_\_

No permit shall be issued and no chickens shall be allowed to be kept unless the owners of all residentially-zoned adjacent properties consent, in writing, to the permit application. (Roosters are prohibited.) For purposes of this permit, adjacent property means all parcels of property that the applicant's property comes into contact with at one or more points. A chicken coop and/or chicken run shall not be closer than 25 feet from any residential structure on any other premises and no closer than 10 feet from the property line.

### Instructions to Adjacent Property Owners

Your neighbor is applying for a permit to keep chickens on their residentially-zoned property. A maximum of six chicken hens may be kept under this permit. If you are an adjacent property owner, your consent is required for issuance.

By signing this form, you are providing written consent for the issuance of the permit.

Name \_\_\_\_\_ Street Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Street Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Street Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Street Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**WHEREAS**, the City of Rushford has been approached by residents to allow for the raising of chickens for egg and meat sources on private property, and

**WHEREAS**, there are no State laws that address urban chickens or keeping of chickens in cities, and

**WHEREAS**, the City wishes to regulate the small-scale keeping of chickens by residents as it is very different than a business of the same nature, and

**WHEREAS**, the City wishes to provide for the keeping of urban chickens in a manner that is not a nuisance or detriment to the public health safety and welfare of the community,

**NOW, THEREFORE**, the following Ordinance will serve to provide regulations for the issuance of permits for the keeping of chickens within the City of Rushford in certain zoned areas, under certain circumstances, and repeal inconsistent sections of animal control ordinances relating to chickens.

## **CHAPTER 91: URBAN CHICKENS**

95.01 Definitions

95.02 Purpose

95.03 Investigation & Enforcement

95.04 Permit Required

95.05 Application

95.06 Permit Conditions

95.07 Fees/Issuance

95.08 Term

95.09 Revocation

95.10 Violations/Penalty

95.11 Severability & Savings Clause

95.12 Adoption

**AN ORDINANCE RELATING TO THE KEEPING OF ANIMALS IN THE CITY OF RUSHFORD, PROVIDING FOR THE KEEPING OF CHICKENS IN AREAS ZONED R1, R2, R3, PUD AND AG DISTRICTS, UNDER CERTAIN CIRCUMSTANCES, AND AMENDING SECTIONS OF THE ANIMAL CONTROL ORDINANCE SPECIFIC TO CHICKENS**

**THE CITY OF RUSHFORD ORDAINS:**

### **SECTION 95.01. DEFINITIONS**

- Brooding means the period of chicken growth when supplemental heat must be provided, due to the bird's inability to generate enough body heat.
- Chicken means a domesticated bird that serves as a source of eggs or meat.
- Coop means the structure for the keeping or housing of chickens permitted by the ordinance.
- Exercise yard means a larger fenced area that provides space for exercise and foraging for the birds when supervised.

- Hen means a female chicken.
- Officer means any person designated by the city as an enforcement officer.
- Poultry means domesticated birds that serve as a source of eggs or meat and that include among commercially important kinds, chickens, turkeys, ducks, geese, peafowl, pigeons, pheasants and others.
- Rooster means a male chicken.
- Run means a fully enclosed and covered area attached to a coop where the chickens can roam unsupervised.

## **SECTION 95.02. PURPOSE**

It is recognized that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding past time. Therefore, it is the purpose and intent of this ordinance to permit the keeping and maintenance of chicken hens for egg and meat sources in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety, and welfare of the community, the keeping of other poultry is prohibited.

## **SECTION 95.03. INVESTIGATION & ENFORCEMENT**

Officers designated by the City Council shall have authority in the investigation and enforcement of this ordinance, and no person shall interfere with, hinder or molest any such officer in the exercise of such powers. The officer shall make investigations as is necessary and may grant, deny, or refuse to renew any application for permit, or terminate an existing permit under this article.

Limitations for each single dwelling residential unit:

(A) No more than five (5) chicken hens shall be housed or kept on any one (1) residential lot in any area of the city zoned R1, R2, R3, PUD, AG with a permit as outlined below.

(B) Roosters are prohibited.

(C) Slaughtering of chickens in the City limits is prohibited except at a licensed processing facility.

(D) Leg banding of all chickens is required. The bands must identify the owner and the owner's address and telephone number.

(E) A separate coop is required to house the chickens. Coops must be constructed and maintained to meet the following minimum standards:

- (1) Located in the rear or side yard.
- (2) Setback at least five (5) feet from the rear or side property lines.
- (3) Interior floor space – four (4) square feet per bird.
- (4) Interior height –four (4) to six (6) feet to allow access for cleaning and maintenance.
- (5) Doors – one (1) standard door to allow humans to access the coop and one (1) for birds (if above ground level, must also provide a stable ramp).
- (6) Windows – one (1) square foot window per ten (10) square feet floor space. Windows must be able to open for ventilation.
- (7) Climate control – adequate ventilation and/or insulation to maintain the coop temperature between 32 – 85 degrees Fahrenheit.
- (8) Nest boxes – one (1) box per every three (3) hens.

(9) Roosts – one and one-half (1 1/2) inch diameter or greater, located eighteen (18) inches from the wall and two (2) to three (3) inches above the floor.

(10) Rodent proof – coop construction and materials must be adequate to prevent access by rodents.

(11) Coops shall be constructed and maintained in a workmanlike manner.

(F) A run or exercise yard is required.

(1) Runs must be constructed and maintained to meet the following minimum standards:

(a) Location: rear or side yard.

(b) Size: Ten (10) square feet per bird, if access to a fenced exercise yard is also available; sixteen (16) square feet per bird, if access to an exercise yard is not available. If the coop is elevated two (2) feet so the hens can access the space beneath, that area may count as a portion of the minimum run footprint.

(c) Height: Four (4) to Six (6) feet in height to allow access for cleaning and maintenance.

(d) Gate: One gate to allow human access to the run.

(e) Cover: Adequate to keep hens in and predators out.

(f) Substrate: Composed of material that can be easily raked or regularly replace to reduce odor and flies.

(2) Exercise yards must be fenced and is required if the run does not provide at least (16) sixteen square feet per bird. Exercise yards must provide a minimum of one-hundred seventy-four (174) square feet per chicken.

(G) Chickens must not be housed in a residential house or an attached or detached garage, except for brooding purposes only.

(H) All premises on which chicken hens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surrounding must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property. Failure to comply with these conditions may result in the officer removing chickens from the premises or revoking a chicken permit.

(I) All grain and food stored for the use of the hens on a premise with a chicken permit shall be kept in a rodent proof container.

(J) Chicken Hens shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent property.

(K) Dead chickens must be disposed of according to the Minnesota Board of Animal Health rules which require chicken carcasses to be disposed of as soon as possible after death, usually within forty-eight (48) to seventy-two (72) hours. Legal forms of chicken carcass disposal include offsite burial, offsite incineration or rendering, or offsite composting.

#### **SECTION 95.04. PERMIT REQUIRED**

No person shall own, keep, harbor or have custody of any live chicken without first obtaining a permit in writing from the City.

The City shall grant a permit for chicken hens after the applicant has sought the written consent of one hundred (100) percent of the owners or occupants of privately or publicly owned real estate that are located adjacent (i.e., sharing property lines) on the outer boundaries of the premises for which the permit is being requested, or in the alternative, proof that the applicant's property lines are one hundred fifty (150) feet or more from any house.

Where an adjacent property consists of a multiple dwelling or multi-tenant property, the applicant need obtain only the written consent of the owner or manager, or other person in charge of the building. Such written consent shall be required on the initial application and as often thereafter as the officer deems necessary.

#### **SECTION 95.05. APPLICATION**

Any person desiring a permit required under the provisions of this article shall make written application to the city clerk upon a form prescribed by and containing such information as required by the city clerk and officer. Among other things, the application shall contain the following information:

- (A) A description of the real property upon which it is desired to keep the chickens.
- (B) The breed and number of chickens to be maintained on the premises.
- (C) A site plan of the property showing the location and size of the proposed chicken coop and run, setbacks from the chicken coop to property lines and surrounding buildings (including houses and buildings on adjacent lots), and the location, style, and height of fencing proposed to contain the chickens in a run or exercise area. Portable coops and cages are allowed, but portable locations must be included with the site plan.
- (D) Statements that the applicant will at all times keep the chickens in accordance with all of the conditions prescribed by the officer, or modification thereof, and that failure to obey such conditions will constitute a violation of the provisions of this chapter and grounds for cancellation of the permit.
- (E) Such other and further information as may be required by the officer.

#### **SECTION 95.06. PERMIT CONDITIONS**

- (A) If granted, the permit shall be issued by the city clerk and officer and shall state the conditions, if any, imposed upon the permitted for the keeping of chickens under this permit.
- (B) The permit shall specify the restrictions, limitations, conditions and prohibitions which the officer deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to protect the public health and safety. Such permit may be modified from time to time or revoked by the officer for failure to conform to such restrictions, limitations, prohibitions. Such modification or revocation shall be effective after ten (10) days following the mailing of written notice thereof by certified mail to the person or persons keeping or maintain such chickens.
- (C) The granting of a permit under this ordinance does not entitle the permit holder to any other rights as may be granted to farmers or commercial entities relating to equipment used in the course of conducting animal husbandry business.

#### **SECTION 95.07. FEES/ISSUANCE**

For each residential site the fee for a permit is as may be imposed, set, established and fixed by the City Council, by resolution, from time to time.

#### **SECTION 95.08. TERM**

The permit period under this section shall expire one (1) year from the date the permit is issued. Permits must be renewed on an annual basis.

#### **SECTION 95.09. REVOCATION**

The city may revoke any permit issued under this ordinance if the person holding the permit refuses or fails to comply with this ordinance, with any regulations promulgated by the city council pursuant to this ordinance, or with any state or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within ten (10) days thereafter, humanely dispose of all chickens being owned, kept or harbored by such person, and no part of the permit fee shall be refunded.

#### **SECTION 95.10. VIOLATIONS/PENALTY**

(A) Any person violating any of the sections of this ordinance shall be deemed guilty of a petty misdemeanor.

(B) If any person is found guilty by a court for violation of this section, their permit to own, keep, harbor, or have custody of chickens shall be deemed automatically revoked and no new permit may be issued for a period of one (1) year.

(C) Any person violating any conditions of this permit shall reimburse the city for all costs borne by the city to enforce the conditions of the permit including but not limited to the pickup and impounding of chickens.

#### **SECTION 95.11. SEVERABILITY & SAVINGS CLAUSE**

If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as an invalidation or affect the validity and enforceability of any other section or portion of this ordinance.


#### **SECTION 95.12. ADOPTION**

This ordinance shall be in full force and effect from and after its passage and publication, as provided by law.

Adopted by the Rushford City Council this 14<sup>th</sup> day of May, 2012.

  
Mayor Chris Hallum

Attest:

  
Kathy Zacher, City Clerk/Treas.

Published in Tri-County Record on May 17, 2012.



## RESIDENTIAL CHICKEN PERMIT APPLICATION

**APPLICANT NAME** \_\_\_\_\_ **PHONE #** \_\_\_\_\_

**PERMIT SITE ADDRESS** \_\_\_\_\_

**NUMBER OF CHICKENS AT THIS ADDRESS** \_\_\_\_\_ **ZONING DISTRICT** \_\_\_\_\_

### Permit Requirements

Applicant must submit a written description and a detailed plan showing the size and placement of the chicken coop, run and exercise yard. The following are the requirements for issuance of a permit:

1. Located in zoning districts R1, R2, R3, PUD or AG
2. No more than five (5) hens.
3. Roosters are prohibited.
4. Neighbor consent is required. Written consent of one hundred (100) percent of the owners of property located adjacent to the applicant's property, OR
5. Proof that the applicant's property lines are one hundred fifty (150) feet or more from any house. Refer to neighbor consent form attached.
6. Leg banding of all chickens is required. If a chicken permit is approved, the City will supply you with bands to identify the owner in the event of stray chickens.
7. Submit a site plan showing the location of the property lines, house, garage, chicken coop, chicken run and/or fence where applicable. The site plan should include setbacks proposed from the chicken coop/run to the property lines.
8. Submit detailed plans showing the size and specifications of the chicken coop, chicken run, and exercise yard with the following requirements:
  - a. Chicken coop
    - 1) Located in the rear or side yard
    - 2) Setback at least five (5) feet from the rear or side property lines
    - 3) Interior floor space must allow for four (4) square feet per chicken
    - 4) Interior height must be four (4) to six (6) feet to allow access for cleaning and maintenance
    - 5) One (1) door to allow humans to access the coop and one (1) for chickens (if above ground level)
    - 6) One (1) square foot window per ten (10) square feet of floor space. Windows must be able to open for ventilation
    - 7) One (1) nest box per every three (3) chickens
    - 8) One and one-half (1½) inch diameter or greater roost, located eighteen (18) inches from the wall and two (2) to three (3) inches above the floor
  - b. Chicken run (required unless an exercise yard is provided as outlined in 6.c. below)
    - 1) Located in the rear or side yard
    - 2) Ten (10) square feet per chicken if access to a fenced exercise yard is also available or sixteen (16) square feet per chicken if access to an exercise yard is not available. If the coop is elevated two (2) feet so the chickens can access the space beneath, that area may count as a portion of the minimum run footprint.
    - 3) Four (4) to six (6) feet in height to allow access for cleaning and maintenance
    - 4) One (1) gate to allow human access to the run
    - 5) Adequate to keep hens in and predators out
    - 6) Substrate must be composed of material that can be easily raked or regularly replaced to reduce odor and flies
  - c. Exercise yard (required unless a chicken run is provided as outlined in 6.b. above):
    - 1) Must be fenced
    - 2) Must provide a minimum of one-hundred seventy-four (174) square feet per chicken
9. If the above requirements are not complied with, the City may revoke any permit granted under this ordinance and/or initiate prosecution for an ordinance violation.

**Signature of Applicant** \_\_\_\_\_  
(Sign full name) (Date)

## **Neighborhood Approval for Issuance of a Chicken Permit**

Rushford City Ordinance allows the keeping of chicken hens in certain zoned districts, under certain circumstances, with the approval of a permit application. The permit application must also be approved by 100 percent of the property owners adjacent to the applicant's property.

Your neighbor located at \_\_\_\_\_ is requesting a chicken permit from the City. If approved, the permit will allow your neighbor to keep up to five (5) hens in an approved chicken coop. A summary of the chicken permit requirements is listed below for your information. Your signature below indicates your approval for your neighbor at \_\_\_\_\_ to keep up to five (5) hens on their property as per City ordinance.

**Street Address** \_\_\_\_\_ **Owner Name** \_\_\_\_\_ **Signature (consent to issue permit)** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **City of Rushford Chicken Permit Requirements**

1. Up to 5 hens (No Roosters) allowed in certain districts with a yearly permit.
2. Initial permit must be approved by 100% of the property owners that are adjacent to the applicant's property.
3. Slaughtering of chickens on the property is prohibited.
4. Leg banding of all chickens is required to identify owner in the event of stray chickens.
5. A separate coop and run is required to house the chickens. Coop must be located in the rear or side yard and be set back at least 5 feet from the property line.
6. Exercise yards must be fenced and is required if the run does not provide at least 16 square feet per bird.
7. All premises on which chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surrounding must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectable on another property.
8. All grain and food stored for the use of the hens shall be kept in a rodent proof container.
9. Dead chickens must be disposed of according to the Minnesota Board of Animal Health rules which require chicken carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours. Legal forms of chicken carcass disposal include burial offsite incineration or rendering, or offsite composting.

**Permit No.** \_\_\_\_\_

**Neighbor Consent Yes/No**

### **City Verification**

**Zoning District** \_\_\_\_\_ **Coop Location** \_\_\_\_\_

**Coop Sq. Ft.** \_\_\_\_\_ **Coop Height** \_\_\_\_\_ **Number of Hens** \_\_\_\_\_

**Type of Hens** \_\_\_\_\_ **Chicken Run Yes / No** \_\_\_\_\_

### **City Official Approval & Date**

**\$20.00 One Time Fee Paid** \_\_\_\_\_ **Renewal Date:** \_\_\_\_\_

(Permits are non transferable and must be renewed annually)

**Leg Band #'s** \_\_\_\_\_

**Sec. 6-12. - Chickens limited.**

It is unlawful for any person to own, keep or maintain hen chickens in the city unless the property is in the rural residential zoning district or the person is issued a zoning certificate. A zoning certificate shall only be issued for a property situated in the R-1 ("single family residence") district. No zoning certificate shall be issued for more than six hen chickens or one chicken per 1,800 square feet of lot size, whichever number is less. The issuance of a zoning certificate shall not permit the keeping of a rooster.

(Ord. No. 400, § 3, 11-14-2011)

#### Sec. 6-13. - Zoning certificate.

- (a) *Chickens*. A person applying for a zoning certificate shall include the following information in written form to keep chickens: A scaled diagram with the location of the chicken coop or run on the property, property lines with dimensions and location of buildings, distance from the coop or run to adjacent buildings not located on the property; and, a completed application.
- (b) *Miniature pig*. A zoning certificate to keep a miniature pig shall include a completed application and documentation of prior veterinary care.

(Ord. No. 400, § 4, 11-14-2011; Ord. No. 433, § 3, 9-24-2018)

#### Sec. 6-14. - Chicken coops and runs.

All chicken coops and runs must be located within the rear yard and are subject to the required setbacks for accessory structures; must be located at least 50 feet from any existing residential building not located on the property; and, must be screened from all adjacent properties and streets. Screening can include: An existing building; a four-foot high solid fence; or a four-foot in height (high) landscaped hedge. Hen chickens must be confined in a chicken coop or run at all times.

(Ord. No. 400, § 5, 11-14-2011)

#### Sec. 6-15. - Additional considerations.

No zoning certificate holder shall allow a premises where hen chickens are kept to be or remain in an unhealthy, sanitary or noxious condition. The slaughter of chickens on any premises within the city, other than property zoned in the "rural residence" district, is prohibited.

(Ord. No. 400, § 6, 11-14-2011)

#### Sec. 6-16. - Violations.

Any person who owns, keeps or maintains hen chickens without obtaining or maintaining a current zoning certificate, or after a zoning certificate has been suspended or revoked, shall be guilty of a misdemeanor. In addition, a violation of this section shall be considered a nuisance and the city may abate the same as provided if in the provisions of chapter 16 of this Code.

(Ord. No. 400, § 7, 11-14-2011)

# CITY OF HARMONY PLANNING & ZONING

# AGENDA ITEM COVER SHEET

Originating Staff: <b>Alissa Stelpflug</b>	Meeting Date: <b>April 2, 2025</b>	Agenda Item No. <b>4b</b>
Agenda Section: <b>New Business</b>	Item: <b>Telecommunication Tower Ordinance</b>	
<b>BACKGROUND:</b> The City Attorney's Office put together a Telecommunication Tower Ordinance Draft using the following Examples as reference.		
<b>ATTACHMENTS:</b> Examples from Chatfield, Preston, Canton and Mike Huizenga		
<b>COUNCIL ACTION REQUESTED:</b>		

## **ARTICLE ^ . - COMMUNICATION TOWERS**

### **Sec. ^ . - Applicability.**

Communication towers may be located in the Ag district as a permitted use, and in the Industrial district as a conditional use. Towers are defined in section ^ and only include structures for antennas or antennas over twenty-five (25) feet in height above grade or above the highest point of a building or structure on which they are located. In residential districts, personal communications facilities, such as amateur radio, television antennas, citizen band and short wave listening antennas, will be permitted as accessory uses.

### **Sec. ^ . - Building permit required.**

Any person seeking to install a communication tower shall obtain a building permit from the city. The application for such permit shall include:

- (1) A site plan showing the location of the proposed tower, tower height, support systems, setback from property lines, site topography, and a soil capacity report.
- (2) A certification that the tower will meet all applicable regulations.
- (3) Application fee.

### **Sec. ^ . - Height criteria.**

The total height of the tower shall not exceed the horizontal distance between the base of the tower and the nearest lot line or 150 feet, whichever is less.

The city council may allow the height requirements to be exceeded, provided it is satisfied that the “fall zone” of the proposed structure will not extend beyond the nearest lot line. The “fall zone” is defined as the area in which a communications tower may be expected to fall in the event of a structural failure, as measured by engineering standards. As evidence of this, the city council shall require certification by an independent registered professional engineer or other qualified professional that the structure is sufficient to withstand windload requirements for structure as established by the applicable building construction codes, or that upon any failure the tower would not land beyond the nearest lot line:

### **Sec. ^ . - Locational criteria.**

(a) Communication towers may be located as a principle use on any recorded lot of record in the applicable zoning districts; on a lot having another principle structure; or attached to a principle structure.

(b) Yard setback requirements for the applicable district shall apply to all communication towers in the same way that setbacks apply to principle structures.

(c) Setbacks from residential districts that are applicable to the zoning district in which the tower is located shall apply to all communication towers in the same way that setbacks apply to principle structures.

(d) All communication towers shall be located as to be accessible from a public street by service and emergency vehicles.

**Sec. ^. - Co-location.**

(a) All new towers shall be construed in a manner that will accommodate the co-location of not less than three (3) providers.

(b) No permits for new towers shall be approved until the applicant has certified an effort to co-locate the applicants service on an existing tower.

**Sec. ^. - Tower design.**

(a) Permitted towers shall only include self-supporting structures or structures attached to buildings.

(b) Towers shall not be designed to accommodate signs and advertising other than warning or equipment signs and no other signs shall be placed on towers.

(c) Climbing access to the tower shall be limited either by means of a fence six feet high around the tower base with a locking portal, or by limiting tower climbing apparatus to no lower than 12 feet from the ground.

**Sec. ^. - Nonconformance.**

Towers existing on May 1, 2025, which are not designed or located in accordance with this article shall be nonconforming. Said towers may be replaced if destroyed, may be maintained, may have antenna and equipment facilities moved, maintained, and replaced and may have antenna added provided the tower is certified by an engineer to be capable of carrying the additional antenna. Nonconforming towers shall not be increased in height.

Sec. 113-323. - Height.

The total height of the tower, including any portion of the rotor or axis extending above the tower, shall not exceed the horizontal distance between the base of the tower and the nearest lot line or building line, except that the horizontal distance may extend beyond the nearest lot line or building line provided there are no overhead utility lines or easements therefor or if the abutting area is a public alleyway. Furthermore, the city council may allow the height requirements to be exceeded, provided it is satisfied that the proposed structure will withstand the windloads in the area. As evidence of this, the city council shall require the following information:

- (1) Dimensional representation of the various structural components of the tower construction, including the base and footings.
- (2) Design data which shall indicate basis of design, including manufacturer's dimensional drawings and installation and operation instructions.
- (3) Certification by an independent registered professional engineer or other qualified professional that the structure is sufficient to withstand windload requirements for structures as established by the applicable building construction codes.

(Code 1999, § 16.7.11(C))

Sec. 113-324. - Tower access.

Climbing access to the WECS tower shall be limited either by means of a fence six feet high around the tower base with a locking portal, or by limiting tower climbing apparatus to no lower than 12 feet from the ground.

(Code 1999, § 16.7.11(D))



## **§ 155.183 HEIGHT REGULATIONS.**

(A) Where the average slope of a lot is greater than one foot rise or fall in seven feet of horizontal distance from the established street elevation at the property line, one story in addition to the number permitted in the district in which the lot is situated shall be permitted on the downhill side of any building.

(B) Height limitations set forth elsewhere in this chapter may be increased by 100% when applied to chimneys, cooling towers, elevators bulkheads, fire towers, monuments, water towers, stacks, storage lofts, tanks, ornamental towers and spires, wireless towers, or necessary mechanical appurtenances usually required to be placed above the roof level and not intended for human occupancy.

(Ord. 221, passed 11-6-1995) Penalty, see § 10.99

- 3) Drainage systems, flood control and watershed structures and erosion control devices provided each will meet the appropriate safety laws and regulations.
- 4) Forestry and Wildlife Management Areas.
- 5) Electrical distribution lines and other essential services in accordance with Section 723.

#### **605.030 CONDITIONAL USES**

The following activities shall be permitted with a Conditional Use Permit.

- 1) Public parks.
- 2) Commercial radio and television towers and transmitters.
- 3) Campgrounds.
- 4) WECS (Wind Energy Conversion Systems).

#### **605.040 PROHIBITED USES**

The following uses shall be prohibited in the A-1 District.

- 1) The establishment and operation of a rock quarry, sand pit or gravel pit.
- 2) Feedlots

#### **605.050 GENERAL REGULATIONS.**

Additional regulations applicable in the A-1 Agricultural District are set forth in the Appendix.

### **Section 7 General Regulations and Performance Standards**

#### **701.000 SCOPE OF REGULATIONS.**

- 1) Nonconforming Structures and Uses, all buildings erected hereafter, all uses of land or buildings established hereafter, all exterior structural alterations or relocation of existing buildings occurring hereafter, and all enlargements or additions to existing uses occurring hereafter shall be subject to all regulations of this ordinance which are applicable to the zoning districts in which the buildings, uses or land shall be located.
- 2) No application for a building permit or other permit or license, or for a certificate of zoning compliance, shall be approved by the Zoning Administrator, and no permit or license shall be issued by any other city department which would authorize the use or change in use of any land or building contrary to the provisions of this ordinance, or the erection, moving, exterior alteration, enlargement, or

**Subject:** RE: 6734 Harmony - Telecommunication Tower Regulations - City of Harmony, MN

Hi Alissa,

If the City of Harmony is considering adding a telecommunication section to their ordinance, I'd like to politely request that Fall Zone Engineering Certificate language is considered as an addition, as well. I've provided some context as to what these are on the attached email (sent to the City of Wykoff), but this is fairly standard language that we see across the country.

Please let me know if you have any questions. Thanks again for all your help... see you tonight.

### Setbacks

Minnesota

- From property line – The minimum setback from the boundary of the property on which the telecommunications tower is located shall be the principal building setback for the zoning district or the “fall zone” as certified by a registered professional engineer licensed in ~~Virginia~~, whichever is greater. If the “fall zone” establishes the setback, then the required certification shall be filed with the Planning Department at time of site plan review. No habitable structures or places where people gather shall be located within any “fall zone.”

**Mike Huizenga**  
Project Manager

