



City of Birchwood Village

Application for Chicken License

207 Birchwood Ave, Birchwood, MN 55110

Phone: 651-426-3403 Fax: 651-426-7747

Email: info@cityofbirchwood.com

FOR OFFICIAL USE ONLY

Approved Denied Revoked Date Revoked: _____

License No: _____ Issued Date: _____ Expiration Date: _____

Payment Received: \$_____ Credit Card / Cash / Check / Money Order (# _____)

Administrator/Clerk Signature: _____ Date: _____

APPLICANT INFORMATION (must reside at the same location as the chickens being licensed):

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

PROPERTY OWNER INFORMATION (if different):

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

License Fee: \$10.00

License is good for two years for 6 chickens max.

IMPORTANT: The Chicken License requires the applicant to obtain the consent of seventy-five (75) percent of the residents within one hundred (100) feet of the applicant's property on the same side of the street or right-of-way as the applicant. The Chicken License also requires a fence and construction/installation of a fence requires the applicant to notify one hundred (100) percent of the applicant's abutting property owners. In addition to completing the Application for Chicken License, the applicant may also be required to complete a Zoning Permit Application to construct/install the chicken shelter and the fence.

PLEASE INITIAL EACH TRUE STATEMENT BELOW:

- _____ I will not keep more than 6 chickens or pullets at one time and no roosters.
- _____ I have satisfied the neighbor consent requirement (75% of neighboring properties within 100' of your property on your side of the street consent to you keeping chickens) and have attached the consent forms to this Application.
- _____ I have applied for a zoning permit for the chicken shelter accessory structure (in the form of a barn, coop, or hutch) and/or fence and have attached my Certificate of Completion to this Application – OR – I have attached shelter and fence information if they are pre-existing.
- _____ The completed accessory structure meets all Code requirements (it's located in the rear yard; not closer than 40' from the City street; 50' from the County road; 10' from all other lot lines; 75' from the Lost Lake OHW mark; 50' from the White Bear Lake, Hall's Marsh, and other wetland OHW marks; 5' from your principal structure; 30' from an adjacent principal dwelling; provides a min. of 3 sq. ft. and max. of 40 sq. ft. per chicken in size; is not more than 6' in total height; and is elevated a min. of 12" and a max. of 24" from the ground) and I have attached a picture of it.
- _____ The completed fence meets all Code requirements (all abutting property owners were provided the required notification of the fence; it is not more than 6' in height; it is at least 30% open through the entire surface area; and it will contain the chickens to the rear yard without being able to escape) and I have attached a picture of it.
- _____ I agree to keep all food stored outdoors in closed containers with lids.
- _____ I agree to remove all organic matter from the property at least 1 time per week.
- _____ I agree to keep the conditions sanitary and to control the odors.
- _____ I will not participate in or allow chicken fighting.
- _____ I will not allow the chickens to become a nuisance or to disturb other residents.
- _____ I will not butcher the chickens and will not allow cruel or inhumane treatment of them.
- _____ I agree to allow the Animal Control Officer upon the premises at reasonable times to inspect for compliance with the City Codes.
- _____ I have read and will comply with all Birchwood Village regulations related to keeping chickens.

PROPERTY OWNER AUTHORIZATION: *I, owner of the property listed above, agree to assume responsibility for any legal issues associated with the raising of chickens on my property and am familiar with all the regulations for chickens as stated in the Birchwood Village City Code Section 605.028. I hereby certify that all statements made herein are complete and true and that this submittal is in conformance with all Section 605 regulations pertaining to chickens.*

Property Owner Signature: _____ Date: _____

Printed Name: _____

Application forms must be filed with the City of Birchwood Village at 207 Birchwood Avenue, Birchwood, MN 55110 and accompanied by neighbor consent forms, payment, and any necessary Zoning Permit Applications

CITY CODE REQUIREMENTS FOR KEEPING CHICKENS

The following are excerpts from Birchwood Village City Code that pertain to keeping chickens.

The complete language of each Code can be found at www.cityofbirchwood.com/codes.

SECTION 605. ANIMALS

605.010. DEFINITIONS. For the purpose of this Chapter, terms defined herein shall have the following meaning ascribed to them:

1. Animals

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Domestic-Farm: Animals which are kept outside the home for purposes of food or pleasure such as cattle, hogs, horses, sheep, llamas, goats, chickens (*Gallus gallus domesticus*), birds, such as emus and pigeons, and similar animals.

2. Animal Control Authority. The provisions of this Code shall be enforced by the Council.

3. Animal Control Officer. The person or persons employed by the Council as its enforcement officer.

4. Animal Shelter. Any premises contracted with by the City for the purpose of impounding, quarantining, and caring for all animals found in violation of this Code.

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8. Owner. Any person, group or persons, or corporation owning, keeping, or harboring an animal or animals for three (3) or more consecutive days.

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605.028. CHICKENS.

1. Chickens may be kept within the City limits on residential properties subject to the following conditions:

a. A maximum of six (6) hen chickens or pullets are permitted.

b. Roosters are prohibited.

c. The butchering of chickens is prohibited.

d. Shelter. Proper shelter in the form of barns, coops or hutches shall be provided in any area where chickens are permitted to roam. Such shelters shall be adequately fenced to ensure the chickens remain on the owner's premises. Shelters must comply with all requirements of the Zoning Code concerning accessory structure and said structures shall not be placed in the front, side yard or side yard abutting a street on residential property. Said shelters shall be setback a minimum of 30-feet from an adjacent principal dwelling.

(1). All chicken coops must have a minimum size of three (3) square feet per chicken, a maximum size of forty (40) square feet, and must not exceed six (6) feet in total height.

(2). Chicken coops must be elevated a minimum of twelve (12) inches and a maximum of twenty-four (24) inches to allow for circulation beneath the coop.

e. Space. Chickens shall be fully contained on the property at all times through use of adequate fencing.

(1). Fencing must not exceed six (6) feet in height and must be built according to the zoning code.

(2). Chickens are restricted to the rear yard.

(3). Chicken runs may be enclosed with wood and/or woven wire materials, or any other material so long as the chickens cannot escape through the fencing.

f. Food Storage. Food materials that are stored outside shall be in closed containers with lids.

g. Manure Removal. All containment areas and shelters shall be maintained in a clean, sanitary, and odor free environment and shall be free from the presence of rodents or vermin at all times. Organic matter shall not be allowed to accumulate for more than one (1) week at a time. However, organic matter shall be removed more often than one (1) time per week if it is necessary to eliminate any odors that constitute a nuisance.

h. Fighting. Chickens shall not be raised or kept for fighting. Cockfighting is prohibited.

i. Consent. The applicant for any permit required under the provisions of this section shall provide with the application the written consent of seventy-five (75) percent of the owners or occupants of real property within the City and within one hundred (100) feet of the outer boundaries of the premises for which the permit is being requested. However, where a street or right of way separates the premises for which the permit is being requested from the other neighboring property, no consent is required from the owners or occupants of property located on the opposite side of the street or right of way.

2. License. No person shall keep, maintain or breed chickens on property located within the City of Birchwood Village unless a license is obtained pursuant to the provisions stated herein. Application shall be made on a form provided by the City Clerk or Administrator. The fee shall be established from time to time by resolution as set forth in Chapter 701.

a. A license shall be issued for a period of two years.

b. Upon completion of the application form and receipt of the license fee, the City Clerk or Administrator shall cause a license to be issued to the applicant.

3. Inspection. The Animal Control Officer shall, at any reasonable time, be permitted upon the premises where chickens are kept for the purpose of making an inspection to determine compliance with this Chapter.

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605.055. ODOR. Persons who keep animals within the City shall not allow any odors which are offensive to the people inhabiting the City such that they constitute a nuisance as defined in Chapter 606, entitled "Public Nuisance," of the City Code.

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- 605.112. CRUEL TREATMENT. No person shall treat an animal in a cruel or inhumane manner, or willfully or negligently cause or permit any animal to suffer torture or pain unnecessarily.
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- 605.114. MANNER OF KEEPING. No person shall keep any dog, cat or other animal in the City in an unsanitary place or condition or in a manner resulting in objectionable odors or in such a way as to constitute a nuisance or disturbance by reason of barking, howling, fighting, or other noise or in such a way as to permit the animal to annoy, injure, or endanger any person or property.
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- 605.140. INTERFERENCE. No person shall interfere with, hinder, or molest any agent of the City Council in the performance of any duty of such agent, or seek to release any animal in the custody of the City Council or its agents, except as herein provided.
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- 605.160. ENFORCEMENT. The provisions of this Code shall be enforced by the City Clerk or Administrator (or their designee), City Police Officers, Deputy Sheriffs of Washington County or any other person or persons designated by the City Council.
- 605.170. PENALTIES FOR VIOLATION. Any person violating any of the provisions of this Code shall be judged guilty of a misdemeanor.
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SECTION 300. LAND USE

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- 300.020. DEFINITIONS. For the purpose of Chapters 300 through 399 certain terms and words are hereby defined as follows:
1. Accessory Structure. A non-habitable one-story detached accessory structures (e.g., tool sheds, storage sheds) provided the floor area does not exceed 144 square feet and a maximum wall height of 12 feet measured from the ground to the top of the top plate.
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SECTION 301. ZONING CODE: GENERAL PROVISIONS

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- 301.040. PERMITTED USES. The following land uses are permitted on any lot of record except as prohibited or restricted under provisions of the Zoning Code:
1. A single dwelling having no more than two dwelling units and occupied by not more than two families.
 2. Public municipal building; public park; public playground; public recreational structure.
 3. Open Space.
 4. Accessory use to any of the above (1) through (3).
 5. No more than 2 accessory structures.
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- 301.080. ZONING PERMIT. Certain uses and activities not requiring a Building Permit or a Conditional Use Permit have the potential of adverse impact on neighboring property, storm water runoff, and soil erosion. The City is especially concerned that landowners comply with Setback and Impervious Surface coverage requirements. Therefore, the City requires these uses and activities to be covered under Zoning Permits. Applicants for Zoning Permits must comply with all provisions of Section 307 ZONING PERMIT and Section 302 REQUIREMENTS AND PERFORMANCE STANDARDS. If a Building or Conditional Use Permit is applied for and issued, the applicant is not required to apply for a Zoning Permit.
1. A Zoning Permit shall be required for the following projects:
 - a. Retaining Walls. See special requirements in Section 302.070
 - b. Fences. See special requirements in Section 302.070
 - c. One-story detached accessory structures, used as tool and storage sheds, playhouses, and similar uses, with a structure of one hundred forty-four (144) or less square feet and greater than twenty five (25) square feet. (Note: Larger structures require Building Permits.)
 - d. Sidewalks, driveways, and patios whose area is greater than one hundred (100) square feet.
 - e. Decks and platforms less than thirty (30) inches above adjacent grade and not attached to a structure with frost footings. (Note: Other decks and platforms require Building Permits.)
 2. Landowners constructing structures or conducting activities similar to those in part 1 a. through e. and for Land Disturbance Activities in part f, but which do not require Zoning Permits, are required to comply with all provisions of Section 302 REQUIREMENTS AND PERFORMANCE STANDARDS.
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SECTION 302. ZONING CODE: REQUIREMENTS AND PERFORMANCE STANDARD

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- 302.020.1. GENERAL REQUIREMENTS. All structures must be located so that minimum setback requirements are met or exceeded. All measurements (in feet) as set forth below shall be determined by measuring from the foundation of the appropriate structure perpendicular to the appropriate lot line.
- Exceptions: Front, back, side street and other lot line setback requirements shall not apply to chimneys, flues, belt courses, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like, provided they do not project more than two (2) feet into a required yard setback.

302.020.2. MINIMUM SETBACK REQUIREMENTS:

		<u>TYPE OF STRUCTURE</u>	
		<u>Driveways & Walkways</u>	<u>All Other Structures</u>
<u>Lot line or Land Boundary</u>	<u>Fences</u>		
Municipal Street Front, Back, and Side	20 ft.	0	40 ft.
County Road Front, Back, and Side	20 ft.	0	50 ft.
Ordinary High Water Level of Lost Lake	75 ft.	75 ft.	75 ft.
Ordinary High Water Level of White Bear Lake, Hall's Marsh, and other wetlands	50 ft.	50 ft.	50 ft.
All Other Lot Lines	0 ft.	1 ft.	10 ft.

The ordinary high water levels of three water bodies have been established to be the following:

ORDINARY HIGH WATER LEVELS (Feet Above Mean Sea Level)

DNR ID #82-167	White Bear Lake	924.7 (NGVD, 1929)
DNR ID #82-134	Lost Lake	925.6 (NGVD, 1929)
DNR ID #82-480W	Hall's Marsh	924.7 (NGVD, 1929)

302.020.3. ACCESSORY STRUCTURES. No accessory building or structure, unless an integral part of the principal structure shall be erected, altered, or moved to, within five (5) feet of the principal structure except fences, driveways, walkways, and decks which may be as close as actually abutting the principal structure.

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302.070. CITY FENCE ORDINANCE.

1. Zoning Permit. A Zoning Permit (see Sections 301.080.1.b and 307) shall be obtained from the City before installing or constructing any fence for any purpose. A site drawing showing the location of the fence shall be submitted with the permit application.
2. Notice to Neighbors. Any applicant for a Zoning Permit to construct a fence shall notify all abutting property owners at least five (5) days prior to submitting the application for a Zoning Permit.
3. Location. All fences shall be located entirely upon the property of the fence owner.
4. Height. No fence shall exceed six feet six inches (78") in height above grade at any point. Posts shall not exceed 12 inches above the adjacent fence.
5. Retaining Walls. Solid walls in excess of four (4) feet high shall be prohibited unless they are part of a building.
6. Materials. Fences in excess of four (4) feet in height shall be at least thirty percent (30%) open through the entire surface area of the fence. All fences shall be constructed and maintained in a substantial manner and of material reasonably suited for the purpose for which the fence is proposed to be used. That side of the fence considered to be the face (or most attractive side of the fence) shall face toward abutting properties.

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SECTION 307. ZONING CODE: ZONING PERMIT

Zoning Permits will be issued by the City provided that plans for the permitted project have been submitted and reviewed by the City and that the plans meet the standards set out in Chapter 302 of the Zoning Code.

307.010. Application. An applicant may apply for a Zoning Permit by filling out a form obtained from the City Office. The application must at a minimum:

- a. Identify and describe the work to be covered by the permit.
- b. Describe the land on which the proposed work is to be done, by lot, block, tract, and house and street address, or similar description that will readily identify the proposed work.
- c. Indicate the use or occupancy for which the proposed work is intended.
- d. Be accompanied by the following plans:
 - i. Drawing to scale, showing the location of the proposed work and all existing structures, buildings, and improvements on the property.
 - ii. Elevation drawings if the structure has a height dimension (i.e., is not a driveway, walkway, etc.)

The City reserves the right to request additional information that would help the City to review the application.

307.020. Review and Determination. The City will review the application and issue a permit provided that the work to be done meets the requirements of the Zoning Code. If the work to be done does not meet the requirements of the Zoning Code, the application will be denied.

307.030. No Construction Before Permit Issued. No person shall begin construction of a project for which a Zoning Permit is required unless and until the Zoning Permit is issued.

307.040. Time limit for completing the work. A Zoning Permit shall be valid for one (1) year from the date of the permit.