

**City of Columbus**  
**Public Hearing – Zoning Code Amendment – Chapter 7A-Animals (Chickens)**  
**(PC-16-116)**  
**August 17, 2016**

The August 17, 2016 Public Hearing to receive testimony regarding amending Chapter 7A of the City Code with respect to animal densities, animal structures, and other animal regulations primarily relating to chickens, roosters, fowl and other farm-birds was called to order at 7:35 p.m. by Chair Garth Sternberg at the City Hall. Present were Commission members Jim Watson, Pam Wolowski, Jesse Preiner, and Jody Krebs; City Administrator Elizabeth Mursko, Planner Dean Johnson, and Recording Secretary Karen Boland.

Also in attendance were City Council members Denny Peterson and Bill Krebs; John Mastel, Larry and Quita Olson, Mary Preiner, and Pat Preiner.

**Sternberg:** So, now we have another Public Hearing and Ordinance Amendment for Chapter 7A-Animals (Chickens), pages 15-17. And, at this time, I'd like to ask the recording secretary to read the notice as published.

Notice was read at this time by the recording secretary.

**Sternberg:** Thank you. And I suppose this one is for you too, Dean.

**Johnson:** I'd be happy to introduce this. Looks like the rest of the people must have come to talk about the animal ordinance. And, and for those that wish to comment, have you got a copy of the ordinance? It's also up on the board here. Okay. I'll just run through this quickly. There are actually two separate sections of the City code that are now being proposed for amendment, and that's Article 5, the Public Safety, Public Nuisance Chapter of the City Code, and then Article 8, which is the zoning ordinance. And for quick background, this ordinance came about from a joint meeting of the Planning Commission and the City Council discussing about concerns/issues/some complaints about, mainly, chickens, if I remember the basic content of those discussions. And the general direction of the Planning Commission was to attempt to come up with some standards that set some limits on numbers, some clarifications in the ordinance, and also talk about animal structures, setback provisions, and, in the draft ordinance of the, uh, document that was advanced by the Planning Commission to the City Council, the City Council asked for some additional provisions that related to potential public nuisance. So, I'll start with Section 1, and that is a new provision within the public nuisance ordinance, which attempts to define the nuisance of roosters crowing. And, um, I won't speak for anyone's individual or personal interest on that account, but that was requested by the City Council, and that language is an attempt to define something that could result in a complaint being pursued by the City -- good, bad or indifferent. The second primary section deals with the performance standards within the zoning ordinance, specifically related to animals. And this is a strikethrough/underline. You can see all of the changes that were made in the existing provisions. The first change that was made was actually a complaint by people that wish to raise different

animals – that the five-acre minimum, uh, eliminate a lot of people from consideration. And, would there be consideration to have more of a sliding scale – so many animals per acre – rather than saying, ‘If you’ve got 4.5 acres, too bad. You can’t have anything.’? And so that provision was eliminated, and, the majority of this relates then to a couple of changes in how the density of animals were described. We’ve changed the provision to reference hooped animals and non-hooped. And, that particular standard that related to cows, horses, other standard farm animals, did not change. And that requires a half habitable acre per animal unit. The second section was modified to establish a density standard for non-hooped animals, primarily poultry in this community, but it relates to another variety of different animals. There’s a provision in here about a maximum of 16 of these different non-hooped animals per habitable acre. And that’s applicable only to animals over three months. So, anybody that’s raising chicks or others for sale, those numbers don’t get included in that. The provision on animal structures is to talk about something other than plastic wrap in the backyards, which, for some people, you might not believe it happens, but it does. And so, we reference permanent wood structures or some type of pre-manufactured farm structure for the safe keeping of animals. Uh, the recommendation was 100 feet from an abutting property residence –it doesn’t have to be that far from your own residence. A 30-foot side yard set—uh, rear yard setback. Nothing can be located in the front yard, and the structure should be compatible with University of Minnesota Extension Service. There’s an animal sanitation requirement in here which actually would tie back into a potential public nuisance or public safety provision. There’s a reference about keeping animal feed in containers, just to prevent over-attraction to rodents, birds, other animals. There is a prohibition for slaughtering of animals, except those used in personal consumption. There’s a reference to product sales, and, that is, we know we have people raising eggs in the community, and some meat sales. We make a simple reference: there is a State statute that governs that, and anyone selling farm products has to be in compliance with Minnesota Department of Agriculture inspection requirements. And then, lastly, the new provision I’ve added since the last time Planning Commission had this discussion, this cross-reference that the keeping of any animal is subject to the nuisance provisions of Chapter 5. So, with that, I’d be happy to answer any questions that you may have.

**Sternberg:** Any questions?

**Watson:** No, sir.

**Wolowski:** Nope.

**Sternberg:** That public nuisance, that kind of blanket covers the whole thing.

**Johnson:** I, it’s not just limited to roosters per se. As a nuisance if it comes to an unsanitary condition, that would be something that can be pursued, but, the specific reference that you see in the very first section, came from a very specific request by the City Council to address rooster crowing nuisance. And so that was the only standards that was added to that. We have other things about, uh, manure control and other things. So, there are a couple of provisions for that, but, from a noise standpoint, the hours of 10 a.m. to 7 p.m., that is a standard nighttime MPCA

standard. We're not suggesting that you're going to use an MPCA noise standard – stand out there with a noise meter and determine that the crow is violating that—we're simply saying for some people the rooster crowing before certain hours of the day or during the night is a nuisance. And we're trying to classify that as directed by the Council.

**Sternberg:** Sure. So, is there any more questions? Anything else to say? Okay, at this time, I'm going to open the meeting to the public. If there's anyone from the public that would like to speak, come on up, and, if you could, state your name and address for the record, please.

**Mastel:** Mr. Chair, members of the Planning Commission, City staff, my name is John Mastel, 16273 Kwei Street, in Columbus. Thank you for the opportunity to make comment relative to this ordinance. I wished I would have had a copy of this ordinance in hand before. Some of the things that I'm going to mention here will be a little bit redundant, but I'm going to elaborate if you'll allow me. The first thing relative to the keeping of these animals, specifically chickens, is the noise. It is a serious problem when you live out here in our somewhat rural city, and you've got people who have no control over their critters, and could care less. It's nothing but an irritant to the neighbors. I don't know how you're going to control the noise problem. Maybe the Minnesota Pollution Control Agency's guidelines will help, but somebody's roosters are crowing at 5 o'clock in the morning, that's a pain in the butt. The next problem that I've seen with chickens in our city, is most people that have these chickens, do not have them fenced in. They're allowed to run free range. I see in the new ordinance –and I'll, I'll go to the new ordinance proposal in a moment, but, not knowing what you had in there I want to make these comments. When they're free range, it's nothing but a hazard. These chickens are out on the roads; you're driving down the road, you've got to swerve to avoid them. If you hit 'em, obviously you're not going to have a happy neighbor when you're taking out their chickens. But these people are not being responsible by not fencing in their chickens, and that's the way they're running loose in our city. The chickens come over onto adjoining property owners' properties. They do, put their waste on the property and whatever, that's trespassing. How do you go over to a neighbor and say, 'Keep your chickens on your own doggone property. I don't want 'em on mine.' when, prior to this, we had nothing relative to fences? If you fence in your property, that might help in that regard. The next thing I'd like to comment on is the structures that the folks keep these chickens in –I'll call 'em chicken coops. The smell that gets generated from these chicken coops is absolutely and totally unbearable. You get a little bit of a breeze from a neighbor, we're all on relatively small lots in the whole scheme of things, and it comes over and it permeates through your house. You can't even have your windows open in the summer, because of the stench. If people would be a little bit responsible, manure these things out, keep 'em clean, you wouldn't have that problem, but you're not going to have everyone in the city be responsible with these things, so I guess you've got to come up with something that convinces 'em to be responsible with it. Now, I don't have the solutions to all these problems, but I did come up with a few ideas, some of which are already in this ordinance, but mine might be a little bit more restrictive. The first is, if you would consider, in Columbus, we have a minimum 225-foot frontage requirement. If you're going to have a property in Columbus, you must have 225 feet. The setback in the ordinance talks about moving these things back, but it doesn't go far enough. What I would like to propose is, because we have 225-foot for a

minimum, I would like to propose a 100-foot setback from the property lines for whatever housing there is for these chickens—again, I’ll call it a coop. That way, they’re still, on the minimum, they’re still 25 feet, the 100 feet from one property line, 100 feet from the other, there’s still that minimum of 25 feet that these people would have to keep their chickens housed in, but it’s going to be more toward the central part of their land, instead of over, only 30 feet off of the property line. It might help with the stench a little bit. The next thing is, if we would do something like this, it might be an incentive for the owners to try and keep it a little bit cleaner. Some of these owners just let these chickens run completely loose, they come back to the coop; the coops are the source of the smell, because that’s where the concentration is. If we had something in the ordinance that said the manure from these chickens, from these coops, must be disposed of off-site, not on their own property, unless they have ten acres or more. And the reason why I’m saying ten acres, if people just start putting it off to the side on their five-acre properties, guess what?, it’s going to be a problem for the neighbors. Now those were basically my comments. I would like to go to the ordinance, just because there are some things that are addressed here that I was not aware of. And the first one, as I read down, was that roosters shall only be permitted on lots of five acres or more. I realize that when you come up with a law, come up with an ordinance, you have to have a breakpoint, but what this amounts to is, on 5.1 acres people will be able to have their roosters running around, and I’ll guarantee you, the sound at 5 o’clock in the morning is going to carry from 5.1 acres just as much as it would have on the 4.9 acres. So, if you could increase that one to maybe about 10 acres, it might help just a little bit. It’s just to make it so that these folks that want to have these chickens see that there are some restrictions, something a little bit more serious than just allowing them to run free range and not have any concern for the neighbors. I see that this ordinance addressed that they must be fenced. My question would be: Is that going to be able to be retroactive, so that the people that, just in the last year or two, three years, five years, --when this seemed to be a fad . . . ? When I first moved out to this township, 25 years ago, we hardly had anyone with chickens. This is a relatively new phenomenon. And, if it could be somehow made retroactive to cover these people who’ve done it in the last five years or whatever, so that they at least have to put a doggone fence up, we’d eliminate this free range problem. I don’t know how that would work, if you can in fact do that in this kind of an ordinance or not. I absolutely like the fact that it talks about, in this new ordinance, that nothing can be allowed--as far as the housing for these animals—in the front yard. Right now we have people that put up these tiny little structures, and they do put ‘em to the front side, especially if they’re house is set back a little bit. That’s not fair to any of the neighbors. And that’s really what an ordinance like this references is fairness to the neighbors, I believe. So, thank you, and please keep that in the ordinance that nothing would be allowed in the front yard. The animal sanitation, I did address that a little bit in my concern for disposal of the manure off-site. You know what, if you’re going to have these things, you have an obligation to be responsible for ‘em. So, if the people are going to have ‘em, and they’re going to have less than ten acres, don’t allow ‘em to put that manure on their own site. Most of them are just going to leave it lay on top; we’ve got folks with horses that do that kind of thing, they don’t even bother to bury it down or anything, and it’s nothing but a difficulty for the neighbors. So if you make it a little bit more restrictive, maybe these folks will make it so that it’s more compatible for the whole neighborhood. That’s kind of the gist of what I had to say this evening. Whatever consideration you can give in this, any of us that have neighbors that have these chickens would

be most appreciative. Any questions or anything I might be able to answer for you? Thank you for your time.

**Sternberg:** Thank you. Anybody else from the public that would like to speak? Anybody else? Okay, and at this time, I'm going to close the hearing with the right to reopen if it becomes necessary.

Hearing closed at 7:50 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary