

PLANNING COMMISSION

DECEMBER 11, 2017

6:30 O'CLOCK P.M.

AGENDA

1. Call to Order
2. Minutes of the Previous Meetings – November 13, 2017
3. Public Hearing for Preliminary Plat – Hack's 2nd Subdivision
4. Public Hearing - Variance – Images
5. Chicken Ordinance – Request for increased number of chickens – Bruce Kruger
6. Other Business
7. ADJOURN

MINUTES OF PLANNING COMMISSION MEETING

November 13, 2017

Pursuant to due call and notice thereof, a regular Planning Commission meeting was held at City Hall on the 13th day of November, 2017 at 6:30 PM

THE FOLLOWING MEMBERS WERE PRESENT: Commissioner Ferris, Commission Sannes, Commissioner Tinsley and Commissioner Zelinske, Commissioner Borgstrom and Commissioner Burton.

THE FOLLOWING WERE ABSENT: Commissioner Torkelson

THE FOLLOWING WERE ALSO PRESENT: City Administrator Coleman, City Clerk Rappe. Mike Marti

CALL TO ORDER: Commissioner Ferris called the meeting to order at 6:30 PM.

MINUTES OF PREVIOUS PLANNING COMMISSION MEETING: Motion to Approve the October 9, 2017 minutes made by Commissioner Zelinske, second by Commissioner Tinsley with all voting Aye.

Marti Sidewalk request – Commissioner Borgstrom stated that this lot does not require sidewalks but Mr. Marti would like to extend the sidewalk on the north/south side and would like the City to pay for the ped ramp on the corner. The commission was in agreement that they would like to see the sidewalk put in. Commissioner Burton stated that if Mr. Marti is willing to put in the sidewalk that the City could put in the ped ramp. **Motion to Recommend Approval of the sidewalk on the north/south side of the specified lot with the City to bear the cost of the ped ramp on the corner made by Commissioner Burton, second by Commissioner Zelinske with all voting Aye.**

Statute to sell property – 305 South Mantorville Ave – Administrator Coleman stated that the City Council did approve the purchase agreement of the lot in front of Shopko with contingencies but according to the State Statute the Planning Commission does need to weigh in on the proposed use. It is being proposed for office space. Chairman Ferris stated that he would request that the buyer change the zoning and they would also need a minor subdivision and/or planned unit development. Administrator Coleman stated that she will give these comments to the City Attorney for the Purchaser.

Safe Route to School – Resolution- Administrator Coleman stated that there will be a meeting on Wednesday at the school to apply for a infrastructure MnDOT grant and to show support they would like a resolution adopting the plan from the planning commission and the city council. Commissioner Burton asked if there is anything binding or mostly suggestions. Administrator Coleman stated that this gives priority to places that should have sidewalks. **Motion to approve made by Commissioner Burton, second by Commissioner Zelinske with all voting Aye.**

Other Business – None

Comp Plan Update – Administrator Coleman stated that the schedule has shifted slightly.

Planning Commission adjourned their formal meeting to participate in the workshop exercise.

ADJOURN 6:48PM

ATTEST:

Linda Rappe
City Clerk

Theresa Coleman
Zoning Administrator/City Administrator

DEVELOPER
MASSEY PROPERTIES, LLC
61695 - 260 AVE.
MANTORVILLE, MN 55955

ENGINEER & SURVEYOR
MASSEY LAND SURVEYING & ENGINEERING
P.O. BOX 100
KASSON, MN 55944

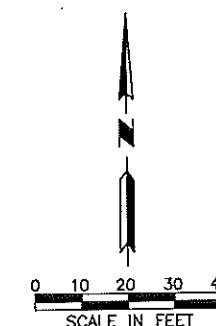
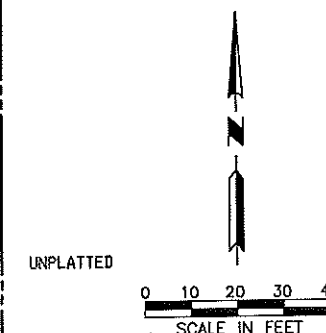
DESCRIPTION

All of Lot 1 and Lot 2, Block 1, HACKS ADDITION according to the plat thereof on file in the County Recorder's office, Dodge County, Minnesota:

EXCEPTING THEREFROM:

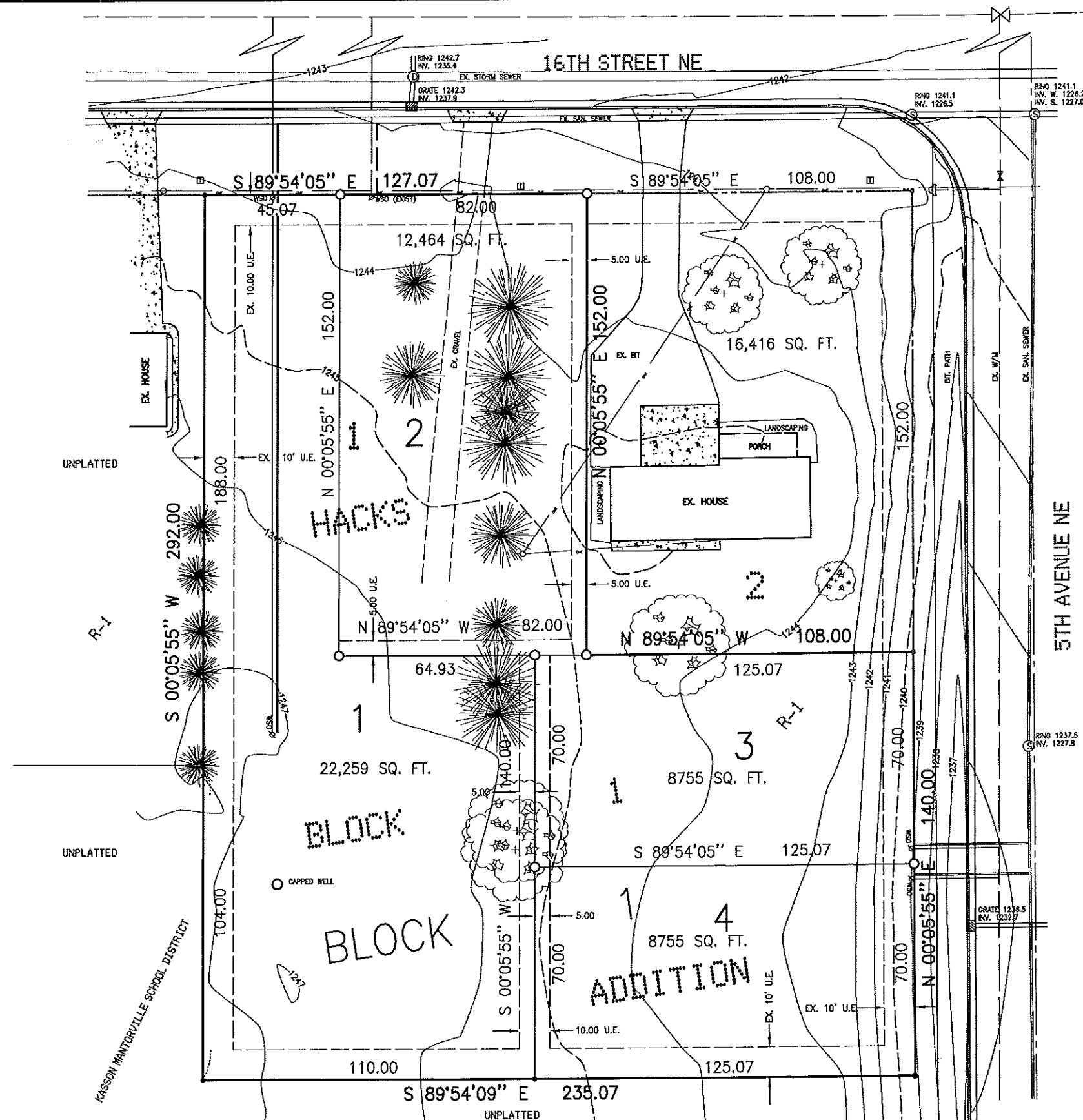
The North 152.00 feet of East 108.00 feet of said Lot 2, Block 1.

Sold parcel contains 1.20 acres, more or less.



BASIS OF BEARINGS

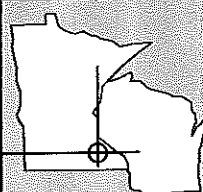
BASIS OF BEARINGS
All Bearings are in relationship with the Dodge County Coordinate System NAD '83, Adjusted 1996.



I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Surveyor under the laws of the State of Minnesota.

Date 11-06-17
LIC. NO.: 41814

MASSEY
LAND SURVEYING & ENGINEERING
P.O. BOX 100, KASSON, MN 55944
PH. NO. 507-634-4505, FAX NO. 507-634-6560



HACKS SECOND ADDITION
KASSON, MN

PROPERTY LOCATION MAP

T. 107 N. R. 18 W.

N.W. 1/4 N.E. 1/4

28

S.W. 1/4 S.E. 1/4

No. 28

MONUMENTS

● FOUND (AS INDICATED)

○ SET (5/8" PIPE UNLESS NOTED OTHERWISE)

THIS SURVEY AND DRAWING
WAS PREPARED FOR THE
EXCLUSIVE USE OF:
MASSEY PROPERTIES, LLC
MANTORVILLE, MN

SCALE: 1" = 20'
DATE: 10/31/2017
DRAWN BY: R.J.M.
CHECKED BY: R.J.M.
JOB NUMBER: 1444
DWG. FILE: 1444PRP1.2
REVISION DATE:
SHEET NO. 1 OF 1



City of Kasson
401 Fifth Street S.E.
Kasson, MN 55944-2204
507.634.7071
(Fax) 507.634.4737
www.cityofkasson.com

LAND USE APPLICATION

Applicants check all that apply:

- ☐ General Development Plan (\$100)
- ☒ Preliminary Plat (\$200 + \$10 per acre) ^{250 250 1st}
- ☒ Final Plat (\$100) ²⁵⁰
- ☐ Planned Unit Development - PUD (\$200)
- ☐ Minor Subdivision (\$150)
- ☐ Rezone/Zoning Amendment (\$200)
- ☐ Conditional Use Permit (\$150)
- ☐ Variance (\$200)

Fee Paid \$ _____

Date Filed 11-06-17

1. LOTS 142, BLOCK 1, HACKS ADDITION, EXCEPT NORTH 152' OF EAST 108' OF LOT 2, BLOCK 1
Legal Description of Property

2. 504 16TH STREET KASSON
Street Address of Property

3. MASSEY PROPERTIES, LLC
Applicant/Owner's Name

507-951-2091
Telephone

4. MASSEY LAND SURVEYING & ENGINEERING
Engineer/Architect Address

507-634-4505
Telephone

5. RICH MASSEY
*Name of Contact Person

507-951-2091
Telephone

6. Description of Request PRELIMINARY & FINAL PLAT

7. Present Zoning Classification R-1

8. Reason for Request THE PROPERTY IS 1.2 ACRES & WE WANT TO RE-SUBDIVIDE TO MAKE MORE RESIDENTIAL LOTS

9. Existing Use of Property RESIDENTIAL

*The contact person noted above will receive all review comments and requests for materials/revisions from the City. They are responsible to inform all parties involved on the project of pending public hearings and meetings, changes or updates that may occur throughout the process.

The undersigned applicant hereby represents upon all of the penalties of law that all statements herein are true and that all work herein mentioned will be done in accordance with the ordinances of the City of Kasson, the State of Minnesota and any other applicable laws and regulations.

Signature of Applicant _____ Date 11-06-17

APPLICATION NOT COMPLETE UNTIL ALL REQUIRED SUBMISSIONS RECEIVED

A 220763

Certified filed and or recorded on
5/24/17 12:40 PM
Office of the County Recorder
Dodge County, Minnesota
Ryan B DeCook, County Recorder

Return to: City of Kasson

Receipt #:

Ryan B DeCook,
Dodge County Recorder
by RM, Deputy



220763



5/24/2017

DO NOT REMOVE

This cover sheet is now a permanent part of the
recorded document.

**CITY OF KASSON
RESOLUTION #4.9-17**

RESOLUTION GRANTING MASSEY PROPERTIES, LLC MINOR SUBDIVISION

WHEREAS, Massey Properties, LLC are the owners of the property at 504 16th Street NE in the City of Kasson; and

WHEREAS, the legal description of this property is Lot 2, Block 1, HACKS ADDITION of the City of Kasson; and

WHEREAS, the owners desire to subdivide Lot 2, Block1, Hacks Addition; and

WHEREAS, Section 152.054 of the Kasson Municipal Code provides for an expedited procedure for dealing with such minor requests; and

WHEREAS, a public hearing was held on this issue before the Planning Commission of the City of Kasson on April 24, 2017 and, pursuant to the following findings, the Commission recommends that the requested minor subdivision be approved;

1. This subdivision will not result in the creation of a substandard lot;
2. No more than three lots will be created by this action;
3. These lots have not been previously subdivided by means of a certificate of survey;
4. There is no dedication of land or streets involved in this action;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KASSON, MINNESOTA; that the minor subdivision subdividing Lot 2, Block 1, HACKS ADDITION at 504 16th Street NE is hereby approved with the following condition:

1. Connect to Subdrain.

ADOPTED this 26th day of April, 2017.



Theresa Coleman, City Administrator



Chris McKern, Mayor

The motion for the adoption of the foregoing resolution was made by Council Member and duly seconded by Council Member . Upon a vote being taken, the following members voted in favor thereof: Borgstrom, Buck, McKern and Zelinske . Those against same: Egger.

Staff Planning Review

Hack's Addition (per City Attorney) Request

Preliminary Plat

Prepared for Rich Massey

Zoning Administrator

Comply with Minor Subdivision approval

Zoning Clerk

Safe Routes to School (sidewalks, driveways)

Zoned R-1

Finance

Development Agreement

WAC/ SAC Fees

Parkland Fees

Public Works Director

Driveway number and location

Sidewalk

Electric Supervisor

Provide necessary utility easements

Park and Recreation Supervisor

Parkland Fees

Water/Wastewater

Provide documentation of sealed well on Hack's Addition, Block 1, Lot 1

Water/Sewer/Sub-drain access clarification (directional drill, catch basin, etc.)

Sewer hookup requires "insertate"

Private easements for utilities recorded

Streets

Permits Required

Restore pavement to current condition

Chip seal after hookup

City Engineer

Sidewalk along entire north frontage (combine with TAP grant)

Leave access the way it is (one shared, private drive from 16th Street)

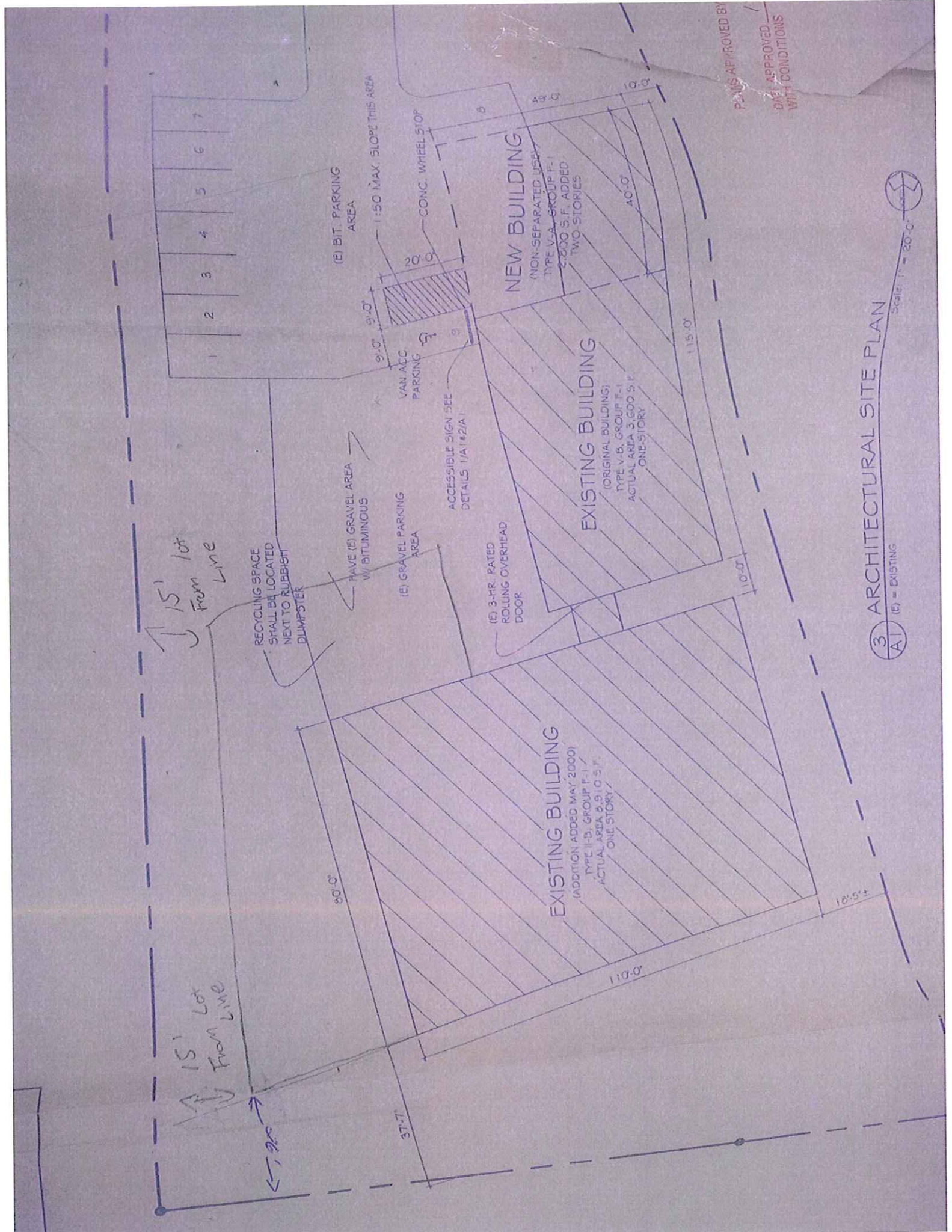
Maintain restricted access onto 5th Avenue

Drainage Easement

Trail easement along west side of Hack's Addition, Block 1, Lot 1

Fire

None provided.



APPLICATION FOR VARIANCE

Fee Paid \$ _____

Date Filed 11-21-2017

Street Address of Property 302- 5th Street S.E.

Lot-005 - Block-001

Legal Description of Property Sect 33-Twp-107 Range - 016 Kasson Industrial Park

Owner's Name Harlan Jacobson Phone 634-7861

Address 64665 - 240th Ave. Kasson, MN 55944

Description of Request Variance on West side of building.
↳ South

Reason(s) for Request We have sold the 13,000 sq. ft building on Mantorville Ave,
and taking the 5,000 sq. ft digital area located at 11 Veterans Hwy
and merging into the building at 302- 5th Street S.E.

Present Zoning Classification Commercial

Existing Use of Property Retail / Manufacturing

Signature of Applicant [Signature] Date 11-21-17

FOR OFFICE USE ONLY

Recommended _____ Denied _____ by the Planning Commission on _____

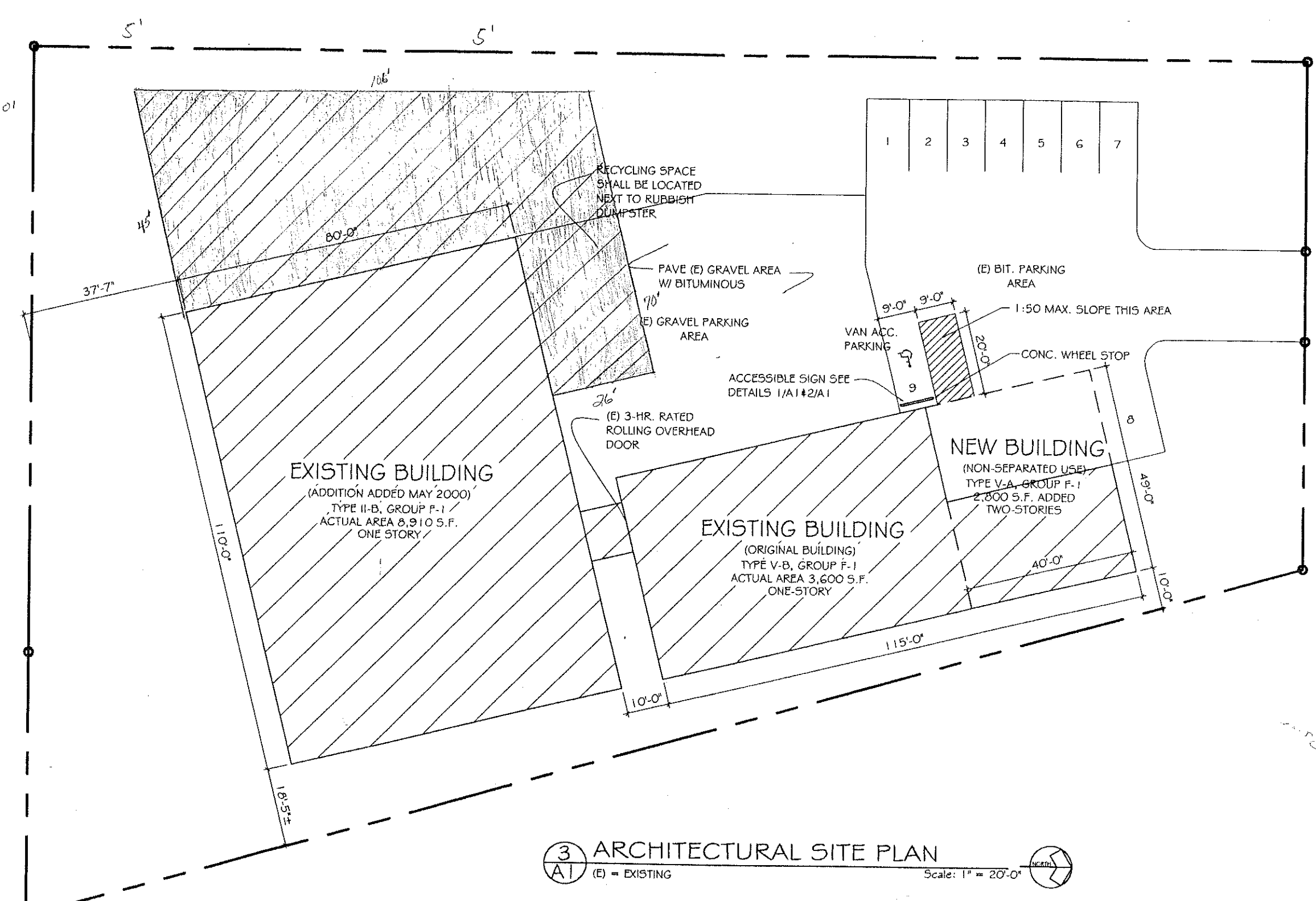
Approved _____ Denied _____ by the City Council on _____

If approved, the following conditions were prescribed:

1. _____
2. _____
3. _____
4. _____

If denied, denial was for the following reason(s): _____



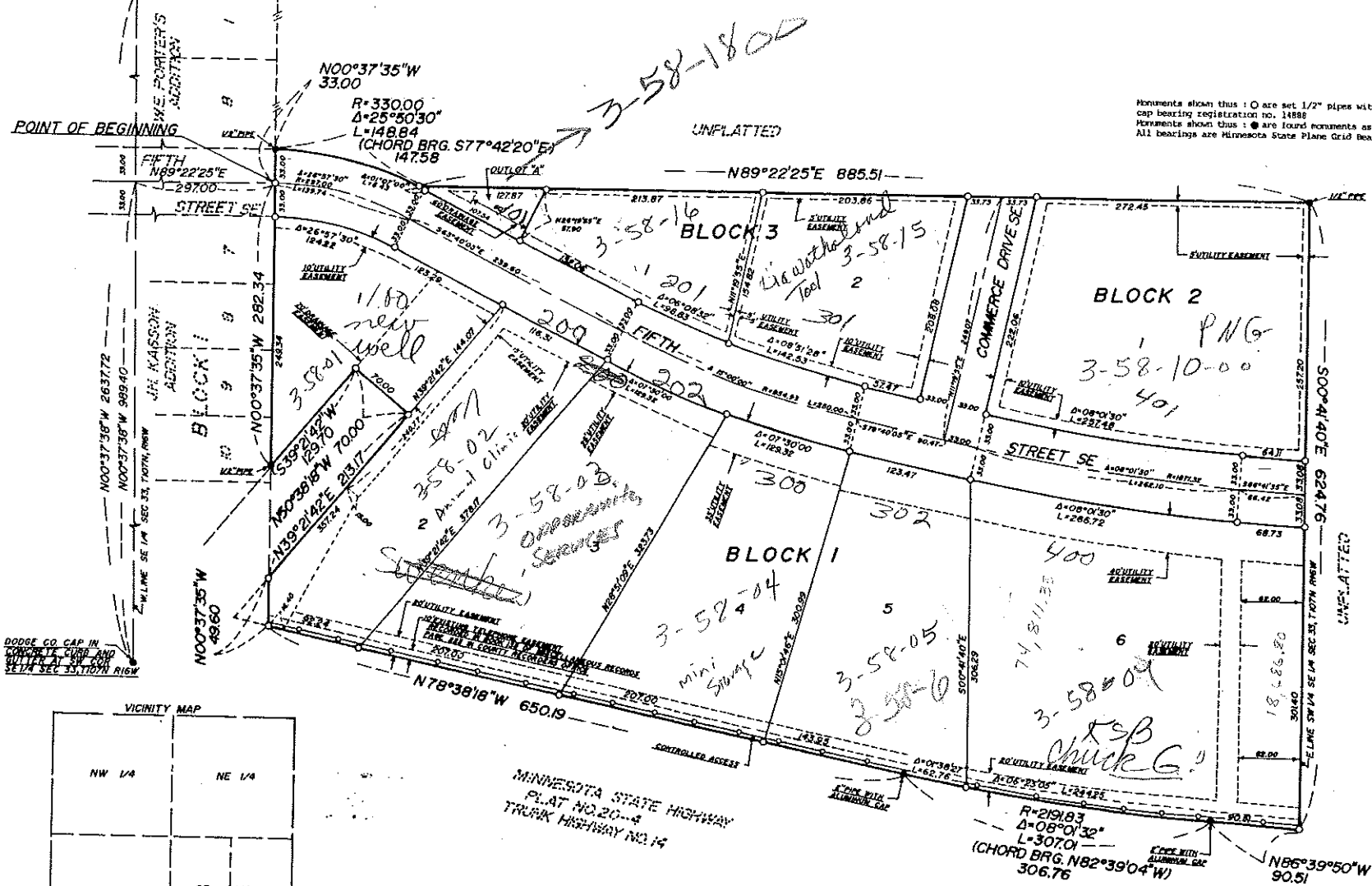


3 ARCHITECTURAL SITE PLAN
(E) = EXISTING
Scale: 1" = 20'-0"

"OFFICIAL PLAT"

KASSON INDUSTRIAL PARK

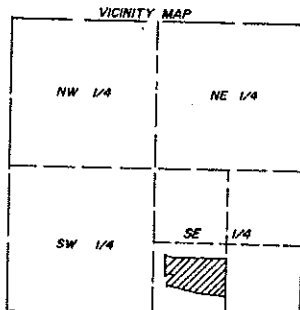
1/2" PIPE OVER 1" HEXAGONAL
SHAFT AT NW COR SE 1/4
SEC 33, T107N, R16W



Monuments shown thus : O are set 1/2" pipes with plastic cap bearing registration no. 14883
Monuments shown thus : ● are found monuments as indicated.
All bearings are Minnesota State Plane Grid Bearings (South Zone)

SCALE IN FEET
0 10 20 30 40 50 60 70 80 90 100

DODGE CO. CAP IN
CONCRETE CURB AND
UTILITY AT SW COR
SE 1/4 SEC 33, T107N, R16W



MINNESOTA STATE HIGHWAY
PLAT NO. 20-14
TRUCK HIGHWAY NO. 14

Controlled access defined:

Ingress or egress to, from or across the abutting roadway is restricted by road authority pursuant to Minnesota Statute 160.09.

Utility easement defined:

An unobstructed easement for the construction and maintenance of all necessary overhead, underground, or surface public utilities including the rights to conduct drainage and trimming on said easement.

Drainage easement defined:

An unobstructed easement for the construction and maintenance of underground and surface drainage facilities.

SHEET 2 OF 2 SHEETS

KASSON INDUSTRIAL PARK

Prepared by:
Vince Fannan
Registered Land Surveyor
Pine Island, Minnesota



INFORMATION MEMO

Land Use Variances

Learn about variances as a way cities may allow an exception to part of their zoning ordinance. Review who may grant a variance and how to follow and document the required legal standard of “practical difficulties” (before 2011 called “undue hardship”). Links to a model ordinance and forms for use with this law.

RELEVANT LINKS:

[Minn. Stat. § 462.357, subd. 6.](#)

[Minn. Stat. § 462.357, subd. 6.](#)

[Minn. Stat. § 462.357, subd. 6.](#)

I. What is a variance

A variance is a way that a city may allow an exception to part of a zoning ordinance. It is a permitted departure from strict enforcement of the ordinance as applied to a particular piece of property. A variance is generally for a dimensional standard (such as setbacks or height limits). A variance allows the landowner to break a dimensional zoning rule that would otherwise apply.

Sometimes a landowner will seek a variance to allow a particular use of their property that would otherwise not be permissible under the zoning ordinance. Such variances are often termed “use variances” as opposed to “area variances” from dimensional standards. Use variances are not generally allowed in Minnesota—state law prohibits a city from permitting by variance any use that is not permitted under the ordinance for the zoning district where the property is located.

II. Granting a variance

Minnesota law provides that requests for variances are heard by a body called the board of adjustment and appeals; in many smaller communities, the planning commission or even the city council may serve that function. A variance decision is generally appealable to the city council.

A variance may be granted if enforcement of a zoning ordinance provision as applied to a particular piece of property would cause the landowner “practical difficulties.” For the variance to be granted, the applicant must satisfy the statutory three-factor test for practical difficulties. If the applicant does not meet all three factors of the statutory test, then a variance should not be granted. Also, variances are only permitted when they are in harmony with the general purposes and intent of the ordinance, and when the terms of the variance are consistent with the comprehensive plan.

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

III. Legal standards

When considering a variance application, a city exercises so-called “quasi-judicial” authority. This means that the city’s role is limited to applying the legal standard of practical difficulties to the facts presented by the application. The city acts like a judge in evaluating the facts against the legal standard. If the applicant meets the standard, then the variance may be granted. In contrast, when the city writes the rules in zoning ordinance, the city is exercising “legislative” authority and has much broader discretion.

A. Practical difficulties

“Practical difficulties” is a legal standard set forth in law that cities must apply when considering applications for variances. It is a three-factor test and applies to all requests for variances. To constitute practical difficulties, all three factors of the test must be satisfied.

1. Reasonableness

The first factor is that the property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line or does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable.

2. Uniqueness

The second factor is that the landowner’s problem is due to circumstances unique to the property not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees.

RELEVANT LINKS:

[2011 Minn. Laws, ch. 19, amending Minn. Stat. § 462.357, subd. 6.](#)

[Krummenacher v. City of Minnetonka](#), 783 N.W.2d 721 (Minn. June 24, 2010).

[Minn. Stat. § 462.357 subd. 6.](#)
[Minn. Stat. § 394.27, subd. 7.](#)

See Section I, *What is a variance*.

See Section IV-A, *Harmony with other land use controls*.

3. Essential character

The third factor is that the variance, if granted, will not alter the essential character of the locality. Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area.

B. Undue hardship

“Undue hardship” was the name of the three-factor test prior to a May 2011 change of law. After a long and contentious session working to restore city variance authority, the final version of HF 52 supported by the League and allies was passed unanimously by the Legislature. On May 5, Gov. Dayton signed the new law. It was effective on May 6, the day following the governor’s approval. Presumably it applies to pending applications, as the general rule is that cities are to apply the law at the time of the decision, rather than at the time of application.

The 2011 law restores municipal variance authority in response to a Minnesota Supreme Court case, *Krummenacher v. City of Minnetonka*. It also provides consistent statutory language between city land use planning statutes and county variance authority, and clarifies that conditions may be imposed on granting of variances if those conditions are directly related to, and bear a rough proportionality to, the impact created by the variance.

In *Krummenacher*, the Minnesota Supreme Court narrowly interpreted the statutory definition of “undue hardship” and held that the “reasonable use” prong of the “undue hardship” test is not whether the proposed use is reasonable, but rather whether there is a reasonable use in the absence of the variance. The new law changes that factor back to the “reasonable manner” understanding that had been used by some lower courts prior to the *Krummenacher* ruling.

The 2011 law renamed the municipal variance standard from “undue hardship” to “practical difficulties,” but otherwise retained the familiar three-factor test of (1) reasonableness, (2) uniqueness, and (3) essential character. Also included is a sentence new to city variance authority that was already in the county statutes.

RELEVANT LINKS:

[Issuance of Variances](#), LMC model ordinance.

[Variance Application](#), LMC model form.
[Adopting Findings of Fact](#), LMC model resolution.

[Minn. Stat. § 462.357, subd. 6.](#)

See LMC information memo, [Taking the Mystery out of Findings of Fact](#).

[Minn. Stat. § 462.357, subd. 6.](#)

C. City ordinances

Some cities may have ordinance provisions that codified the old statutory language, or that have their own set of standards. For those cities, the question may be whether you have to first amend your zoning code before processing variances under the new standard. A credible argument can be made that the statutory language pre-empts inconsistent local ordinance provisions. Under a pre-emption theory, cities could apply the new law immediately without necessarily amending their ordinance first. In any regard, it would be best practice for cities to revisit their ordinance provisions and consider adopting language that mirrors the new statute.

The models linked at the left reflect the 2011 variance legislation. While they may contain provisions that could serve as models in drafting your own documents, your city attorney would need to review prior to council action to tailor to your city's needs. Your city may have different ordinance requirements that need to be accommodated.

IV. Other considerations

A. Harmony with other land use controls

The 2011 law also provides that: "Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the comprehensive plan." This is in addition to the three-factor practical difficulties test. So a city evaluating a variance application should make findings as to:

- Is the variance in *harmony with* the purposes and intent of the ordinance?
- Is the variance *consistent with the comprehensive plan*?
- Does the proposal put property to use in a *reasonable manner*?
- Are there *unique circumstances* to the property not created by the landowner?
- Will the variance, if granted, alter the *essential character* of the locality?

B. Economic factors

Sometimes landowners insist that they deserve a variance because they have already incurred substantial costs or argue they will not receive expected revenue without the variance. State statute specifically notes that economic considerations alone cannot create practical difficulties. Rather, practical difficulties exist only when the three statutory factors are met.

C. Neighborhood opinion

Neighborhood opinion alone is not a valid basis for granting or denying a variance request. While city officials may feel their decision should reflect the overall will of the residents, the task in considering a variance request is limited to evaluating how the variance application meets the statutory practical difficulties factors. Residents can often provide important facts that may help the city in addressing these factors, but unsubstantiated opinions and reactions to a request do not form a legitimate basis for a variance decision. If neighborhood opinion is a significant basis for the variance decision, the decision could be overturned by a court.

D. Conditions

A city may impose a condition when it grants a variance so long as the condition is directly related and bears a rough proportionality to the impact created by the variance. For instance, if a variance is granted to exceed an otherwise applicable height limit, any conditions attached should presumably relate to mitigating the effect of excess height.

V. Variance procedural issues

A. Public hearings

Minnesota statute does not clearly require a public hearing before a variance is granted or denied, but many practitioners and attorneys agree that the best practice is to hold public hearings on all variance requests. A public hearing allows the city to establish a record and elicit facts to help determine if the application meets the practical difficulties factors.

B. Past practices

While past practice may be instructive, it cannot replace the need for analysis of all three of the practical difficulties factors for each and every variance request. In evaluating a variance request, cities are not generally bound by decisions made for prior variance requests. If a city finds that it is issuing many variances to a particular zoning standard, the city should consider the possibility of amending the ordinance to change the standard.

RELEVANT LINKS:

[Minn. Stat. § 15.99.](#)

[Minn. Stat. § 15.99, subd. 2.](#)

See LMC information memo,
*Taking the Mystery out of
Findings of Fact.*

[Minn. Stat. § 15.99, subd. 2.](#)

Jed Burkett
LMCIT Land Use Attorney
jburrkett@lmc.org
651.281.1247

C. Time limit

A written request for a variance is subject to Minnesota's 60-day rule and must be approved or denied within 60 days of the time it is submitted to the city. A city may extend the time period for an additional 60 days, but only if it does so in writing before expiration of the initial 60-day period. Under the 60-day rule, failure to approve or deny a request within the statutory time period is deemed an approval.

D. Documentation

Whatever the decision, a city should create a record that will support it. In the case of a variance denial, the 60-day rule requires that the reasons for the denial be put in writing. Even when the variance is approved, the city should consider a written statement explaining the decision. The written statement should explain the variance decision, address each of the three practical difficulties factors and list the relevant facts and conclusions as to each factor.

If a variance is denied, the 60-day rule requires a written statement of the reasons for denial be provided to the applicant within the statutory time period. While meeting minutes may document the reasons for denial, usually a separate written statement will need to be provided to the applicant in order to meet the statutory deadline. A separate written statement is advisable even for a variance approval, although meeting minutes could serve as adequate documentation, provided they include detail about the decision factors and not just a record indicating an approval motion passed.

VI. Variances once granted

A variance once issued is a property right that "runs with the land" so it attaches to and benefits the land and is not limited to a particular landowner. A variance is typically filed with the county recorder. Even if the property is sold to another person, the variance applies.

VII. Further assistance

If you have questions about how your city should approach variances under this statute, you should discuss it with your city attorney. You may also contact League staff.

ORDINANCE #864

CHICKENS

90.30 CHICKENS

90.31 DEFINITIONS

For the purposes of this subchapter, unless the context otherwise indicates, the following terms shall be defined to mean:

CHICKEN COOP means a stationary or movable structure made of wood or other durable construction materials that provides shelter from the elements exclusively for chickens;

CHICKEN RUN means a fenced, outside area for keeping chickens;

90.32 PURPOSE AND INTENT

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 subchapter to permit the keeping and maintenance of chicken hens for eggs 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.

90.33 PERMIT REQUIRED; NUMBER LIMITED.

No person shall keep or harbor chickens on any premises within the City of Kasson unless the City has granted them a permit. No permit shall be issued for the keeping of any more than six hen chickens on any premises. No permit shall be issued for the keeping of a rooster on any premises. No permit is required in the AG District. No permit shall be issued for other than a single family detached unit. Permits under this section shall expire one year from the date the permit is issued. Permits must be renewed on an annual basis.

90.34 CONDITIONS AND RESTRICTIONS

The permit shall be subject to all terms and conditions of this ordinance and any additional conditions deemed necessary by the City Council to protect the public health, safety and welfare. The necessary permit applications will be available in the City's Animal Control Officer. An initial fee and/or a renewal fee, which the City Council may establish from time to time, shall be charged for each permit. Permits shall be effective for one year and may be renewed for additional one-year periods. The City may revoke any permit issued under this subchapter if the person holding the permit refuses or fails to comply with this subchapter, with any regulations promulgated by the City Council pursuant to this subchapter, 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 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. Dead chickens must be disposed of according to the Minnesota Board of Animal Health rules which, requires 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. Slaughtering of chickens on the property is prohibited.

90.35 CONFINEMENT

Chickens must be confined at all times in a chicken coop or chicken run. Chicken coops and chicken runs shall comply with the following requirements:

(A) The location of the chicken coop or run shall comply with the setback requirements for accessory structures in the zoning district in which the property lies; and shall be located in the rear or side yard of the property and all chickens must be kept in a manner that does not constitute a nuisance to the occupants of adjacent properties.

(B) Whether moveable or stationary chicken coops shall not exceed 60 square feet (by outside dimensions) or six feet in height and must provide at least two square feet per chicken. Coops must be elevated with a clear, open space of at least 24 inches between the ground and the floor or framing of the coop.

(C) Chicken runs must not exceed 120 square feet or six feet in height and must be completely enclosed with woven wire or wood.

(D) Chicken feed must be stored in rodent and raccoon-proof containers.

90.36 SANITARY CONDITIONS

The premises where chickens are kept must be maintained in a healthy and sanitary condition and in a manner that will prevent noxious or offensive odors from being carried to adjacent properties.

90.37 INSPECTIONS

Any chicken coop or run may be inspected at any reasonable time by the City Animal Control Officer to determine compliance with this Ordinance and the applicable permit.

90.38 PENALTY

A violation of this subchapter is a misdemeanor. Any person violating any conditions of the permit or this subchapter 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.

THE CITY COUNCIL OF THE CITY OF KASSON, ORDAINS as follows:

Section 90.30 Chickens be added to the City of Kasson Code of Ordinances.

This Ordinance shall be effective immediately upon its passage and publication.

ADOPTED this 21st day of December, 2016, by the City Council of the City of Kasson.

CITY OF KASSON

By: _____
Steve Johnson, Mayor

ATTEST:

Linda Rappe, City Clerk

Published this 29th Day of December 2016

Motion of the foregoing ordinance made by Councilmember Borgstrom, and duly seconded by Councilmember Buck. Those voting in favor of the ordinance: Borgstrom, buck, Coleman, Eggler and Johnson. Those against same: None.