

# **CASE STUDY:**

## **CITY OF FARGO**

### **BACKYARD CHICKENS**

*SPRING 2017*

*The City of Fargo (North Dakota) recently passed an ordinance to allow for the keeping of backyard chickens in the spring of 2017. The issue of backyard chickens received a lot of negative media attention when the issue was discussed in the neighboring city of Moorhead, Minn. in the fall of 2015 and other neighboring jurisdictions in recent years. The Cass Clay Food Commission executed a strategic plan when this issue was addressed in Fargo. This case study details the history and key steps/strategies taken in order to successfully move backyard chicken keeping forward in Fargo.*



### **HISTORY OF THE CASS CLAY FOOD SYSTEMS INITIATIVE**

- **2010:** Cass Clay Food Systems Initiative (CCFSI) formed with a mission to assure access to safe, nutritious and affordable foods for residents of Cass and Clay Counties
- **2012:** GO 2030 (Fargo's Comprehensive Plan) addresses access to healthy food as one of the Initiatives within the Health Chapter. Recommendations include writing a food systems plan for our region, forming a food policy council, enacting codes, zoning, and ordinances that support urban agriculture (land use), etc.
- **2013:** CCSFI partnered with Metro COG, local metropolitan planning organization, to write the Metropolitan Food Systems Plan which lays out a framework to move food systems work forward
- **2015:** Cass Clay Food Commission (CCFC) formed, a food policy council/network to addresses food systems related policy issues. Steering committee members presented at each local jurisdiction's Commission/Council meeting to explain the role of the group and obtain an appointed representative to serve on CCFC. To date this group has developed 10 "blueprint" documents on various food systems topics. The blueprints provide background, pros and cons, stipulations to consider, etc. should a jurisdiction intend to move an issue forward in their community.

## **PROCESS FOR MOVING BACKYARD CHICKEN KEEPING FORWARD**

There was significant discussion and thought that went into developing a plan to deal with the Fargo backyard chicken ordinance. This topic had been a volatile issue for a number of years in the city, stemming from conflicting ordinances in the Municipal Code; the health codes allowed the practice with very vague stipulations and the Land Development Code only allowed it in agriculturally zoned areas, thus technically, the practice was not allowed. In addition, over the last few years there were a number of negative media reports around the practice of backyard chicken keeping, igniting fuel to the issue and creating fear through misinformation and sometimes exaggerated concerns.

The backyard chicken blueprint (jurisdictional advisory document) was approved by the Cass Clay Food Commission in January 2016. This blueprint provides background information related to urban chickens, addresses the common concerns and benefits from a health, environment, social and economic standpoint, and provide model policy language from other jurisdictions. After approval by CCFC, it was time to determine how to utilize this resource in order to effectively implement policy change.

In the fall of 2016, the CCFSI steering committee began working with a Strategic Communications Strategist to develop a plan/process to utilize the blueprint and approach the issue. The process used is as follows:

### **1. Met with Elected Officials**

- Since it was unclear what the City Commissioners and the Mayor's stance was on the issue, individual meetings were set up to make each aware of the backyard chicken keeping blueprint resource, provide education, answer questions, and determine potential support for an ordinance which allowed for chicken keeping in the city.
  - Result: Mayor and 2 Commissioners potentially in favor, 1 was neutral and 1 did not respond to the meeting request

### **2. Filed Official Request to the Fargo City Commission to work with City Attorney**

- Approval must be granted from City Commissioners in order to enlist the help of the city attorney to draft an ordinance. With a potential majority, a request was filed to work with the city attorney's office to draft an ordinance allowing chickens in residentially zoned areas and defining stipulations around the practice.
  - Result: At the November 7, 2016 City Commission meeting the Commission approved the request

### **3. Drafting the Ordinance**

- Using the backyard [chicken keeping blueprint](#), research on example ordinances from other cities, and several calls to University of Minnesota and Cass County Extension, we began the process of drafting an ordinance that would work for most citizens (those against, unsure, and those who already keep chickens or are interested in starting).
  - **Meetings Amongst City Staff starting December 2016**

- The City Attorney met with a small group of city staff from the 2 departments where the effected ordinances are housed: Public Health (Divisions of Health Promotion and Environmental Health) and the Planning Department to draft an initial document for reaction.
- The next meeting was with city staff from all departments potentially affected by the ordinance (auditors office, police, inspections, public health, planning, and attorney).
- **Public Input**
  - We began an on-line input process through the letseatlocal.org website; the draft ordinance was posted and comments gathered (2/8/17-4/3/17). Telephone calls and email input received on the matter was also recorded.
  - Obtained input from the CCFSI steering committee and CCFC at spring meetings
  - Held an open house/public forum on 3/22/17 at Fargo Cass Public Health to provide education, review the ordinance draft, and allow opportunity for discussion and input on the draft. Presentation was provided by the City Attorney and the Fargo Cass Public Health Nutritionist.
  - Eight draft revisions were made to the ordinance based on input obtained

#### **4. Planning Commission**

- The ordinance needed to go through the Planning Commission since it involved an amendment to the Land Development Code (LDC). In February, we presented at the Planning Commission brown bag luncheon to provide education and inform the Commission about the ordinance. On 3/7/17, the Planning Commission voted to recommend the amended change to the LDC.

#### **5. City Commission Meetings**

First Reading: 4/10/17

- The proposed ordinance was brought to the City Commission meeting for a first reading and public hearing. A presentation was provided including the issue, history, education, process to develop the ordinance, and the draft ordinance; public was allowed to voice opinions. Video of presentation can be viewed at:  
<http://files.cityoffargo.com/content/fbd5a2f4f5caced94ea9af463d36e4616e8e91ac/151-re-Medium-v99.mp4> (starting at 18:46 minutes into video) or access through City of Fargo website, City Commission, meeting minutes and video archives.
  - Result: City Commission vote 4 – 0 (one member absent) to approve ordinance

Second reading 4/24/17

- The item was supposed to be on the consent agenda, but it was pulled to the regular agenda/public hearings because one resident requested to speak regarding the chicken issue – against it.
  - Result: City Commission voted 3-0 (2 absent) to approve ordinance as written.

Third reading 5/8/17

- Final reading and vote on Resolution Approving Fee for annual and renewal permit for the keeping of chickens (filed by Erik the city attorney)
  - Result: Ordinance becomes final and permit fee approved

## **MEDIA**

There were numerous media interviews/stories that occurred as a result of the backyard chicken keeping ordinance. Most of the interviews happened after the press release went out for the open house and when the ordinance was heard at the Commission meetings. Here are links to a few of the online stories that were published throughout the process.

- Fargo forum articles and In-forum articles
  - March 21, 2017 [Backyard chickens to be discussed March 22 in Fargo](#)
  - March 25, 2017 - [Fargo pecks at policy that would clarify owning backyard chickens](#)
  - April 10, 2017 - [Fargo city leaders OK law allowing backyard chicken coops](#)
- April 11, 2017 [Minnesota Public Radio News Story](#)
- April 11, 2017 [KFGO Story](#)
- April 11, 2017 [AgWeek Story](#)

Kim Lipetzky, Fargo Cass Public Health Nutritionist, conducted dozens of interviews including several radio spots and a TV morning show interview with a chicken farmer AND CHICKEN in studio ([link below](#)). All TV stations in the metro area covered the open house held on 3/22/17. There were also a number of editorials written for and against the issue and much discussion on social media. Lipetzky shared that overall, the media interviews were positive and important for the success of this ordinance:  
<http://www.kvrr.com/2017/03/24/fargos-feathered-friends>

***“Doing the media interviews was a chance to explain the ordinance and the thought behind it and clear up misconceptions and untruths being said about backyard chicken keeping.”***

## **IMPLEMENTATION**

After the ordinance passed, several supporting documents were developed, including: a [FAQ sheet](#), the permit application, and the [final ordinance \(found on the letseatlocal.org website\)](#). Also, a meeting was held with all city staff involved so everyone was aware of the new ordinance stipulations, the permit application process, and which city departments have a role in enforcement.

## **KEY TIPS/THOUGHTS**

- Meeting with elected officials ahead of time helped to determine the approach and preparation needed to move the ordinance forward.
- Having a committed ally to move this forward within the city (a city staff person) is essential to work through the process and the potential multiple layers/departments that may be affected by the ordinance.
- All of the media interviews, while stressful and time consuming, were likely worth the effort to alleviate some of the negative press that can potentially come along with this type of an ordinance.
- A lot of work went into the drafting of the ordinance, such as meetings with city staff, gathering public input, etc. Sharing the process and steps taken to create the draft with the City Commission was helpful in them passing the ordinance with very few questions or requests for additional information. Preparation and thought was key!
- Public input is a must. If done over again, public input would be obtained a little earlier in the process – maybe as follows: a small group which includes city staff representatives and the city attorney develop a preliminary draft, then the public input prior to the larger city group meeting. The majority of the public providing input were people knowledgeable about the practice of chicken keeping and they were a very valuable resource in coming up with a draft that worked for most people.

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This Case Study is provided by the [Cass Clay Food Partners](#), a group working to increase access to safe, nutritious, affordable and culturally appropriate food to our residents. For additional information, contact Kim Lipetzky at [klipetzky@fargond.gov](mailto:klipetzky@fargond.gov).

