MAHTOMEDI ENVIRONMENTAL COMMISSION
MEETING AGENDA
JUNE 8, 2020
CITY HALL
6:30 P.M.
Meeting to be held telephonically pursuant to Minn. Stat. Sec. 13D.021
Telephonic Meeting Call – in Instructions
Dial: 1-312-626-6799
Enter Meeting ID 819 3644 1647  Password 164626
Please Hit the # sign twice to enter to meeting
The following link will allow you to enter the meeting using video:
https://us02web.zoom.us/j/81936441647?pwd=U1NDT2dnOUpYY1M1Rkxacm03S0R0QT09

1. CALL TO ORDER 6:30

2. APPROVAL OF AGENDA

3. APPROVAL OF THE MARCH 9, 2020 MEETING MINUTES.

4. APPOINT CHAIR AND VICE-CHAIR.

5. OLD BUSINESS 6:40
   - Business Survey/Eco-Hero Program with White Bear Chamber
   - Sustainability Plan
   - Tree Ordinance Revisions

6. NEW BUSINESS 7:00
   - Keeping of Goats for Grazing Ordinance.

7. FUTURE AGENDA ITEMS

8. ADJOURNMENT 7:30
TO:        Members of the Environmental Commission

FROM:    Scott Neilson, City Administrator

DATE:    June 4, 2020

RE:        Environmental Commission Meeting of June 8, 2020
A regular meeting of the Mahtomedi Environmental Commission will be held on Monday, June 8, 2020 at 6:30 at City Hall. Please contact me if you will not be able to attend this meeting. The following items are in order for consideration and discussion at that time.

APPROVAL OF THE AGENDA

The agenda, as presented or modified is in order for approval by the Commission.

APPROVAL OF MARCH 9, 2020 MEETING MINUTES

The minutes of the March 9, 2020 Environmental Commission meeting are enclosed for your review. These minutes, as presented or modified, are in order for adoption by the Commission.

OLD BUSINESS

Business Survey/Eco-Hero Program with White Bear Chamber.

The Commission will continue to discuss working with the White Bear Chamber relating to a sustainability survey and/or Eco-Hero program.

Sustainability Plan – The Commission will continue to discuss the sustainability plan.

Tree Ordinance Revisions – An update will be provided relating to the status of revising the Tree Ordinance based on recommendations of the City Forester.

NEW BUSINESS

Keeping of Goats for Grazing Ordinance – The Commission will discuss the draft ordinance provided at the March Commission meeting.

FUTURE AGENDA ITEMS

ADJOURNMENT

The meeting will adjourn at or about 7:30 p.m.

Scott Neilson
City Administrator
MAHTOMEDI ENVIRONMENTAL COMMISSION

MINUTES

MARCH 9, 2020

A regular meeting of the Environmental Commission was held on Monday, March 9, 2020 at 6:30 p.m. at Mahtomedi City Hall.

Present were Commission Members: Mike Chevalier, Christine Ahmann-Maples, Kevin Toskey, and Kimberly Byrd.

Also present: City Administrator Scott Neilson, City Forester Steve Schumacher, and Meg Mesick from the Mahtomedi School District.

APPROVAL OF MINUTES

Motion by Ahmann-Maples, seconded by Chevalier to approve the February 10, 2020 meeting minutes. Motion carried.

OLD BUSINESS

Tree Ordinance Revisions

City Forester Schumacher presented some suggested revisions to the Tree Ordinance (See attached information). After discussion by the Commission it was recommended to send the revisions to the City Attorney to draft up the revised ordinance and bring back a revised Chapter 12 for review by the Commission.

RITE of Spring

Meg Mesick presented an update on event to be held on Saturday, April 25th.

Business Survey/Eco-Hero Program with White Bear Chamber

City Administrator Neilson passed out a draft letter (See Attached) to be sent to businesses from the Chamber regarding the business survey. Commission Member Byrd suggested she would review the letter and set up the survey.

Sustainability Plan

No updates on this matter.
FUTURE AGENDA ITEMS

The following items will be on the April Meeting agenda:

RITE of Spring
Tree Ordinance Draft
Keeping of Goats for Grazing Ordinance

ADJOURNMENT

The meeting adjourned at 8:14 p.m.

Scott Neilson
City Administrator
Dear [Name],

The White Bear Area Chamber of Commerce and the City of Mahtomedi are reaching out to the Mahtomedi/Willernie business community to inform you about an energy and money saving program that may be of interest to you and your business. We would also like to find out what sustainability and environmentally friendly efforts you may be practicing and to assist in any way we can.

The Minnesota Chamber of Commerce Energy Smart program helps Minnesota businesses find ways to save energy and connect to financial incentives. All services are at no cost. These include analyzing past utility bills, no cost on-site evaluation, organizing and prioritizing energy cost-saving opportunities, assistance with navigating utility programs, and verifying product eligibility for rebates, ongoing implementation assistance, and access to low/no interest loans and grants. For more information, contact Chris Rustad at Minnesota Chamber of Commerce Energy Smart at 651-292-3902 or www.mnchamber.com.

We have also included a link to a short survey to complete. Please access the survey at [link]. The survey should only take approximately five minutes to complete.

Finally, the Chamber is considering an annual award to be presented at its annual meeting to recognize businesses for their sustainability and energy saving efforts.

On behalf of the Chamber and the City of Mahtomedi and its Environmental Commission, we appreciate your efforts and look forward to hearing from you.

Sincerely,
12.04 TREES.

1. Purpose. The City Council finds and determines that to protect and promote the public health, safety, and general welfare of the citizens of the City of Mahtomedi, it is necessary to provide a comprehensive program to regulate the planting, care, maintenance, and removal of trees, including the trimming and treatment of trees on public right of ways. The City Council finds that the loss of many trees growing on public and private premises within the City would substantially depreciate the value of public and private property and impair the general welfare and convenience of the public. The City Council hereby determines that this Section is necessary to provide such regulation and to prevent and control the spread of tree diseases, insect vectors carrying diseases, and insect pests, and the resulting hazardous conditions which are declared to be a public nuisance.

2. Planting.

A. Permitted Trees. It is lawful to plant only such species of trees within the public right of way as are designated by the City Council. It is unlawful to plant any other species or kind of tree within such right-of-way.

B. Planting Regulations. No trees shall be planted, placed, or allowed to remain in a public right-of-way in a position which the Tree Inspector determines in consultation with the engineer to be or to cause a traffic hazard. Trees planted in a right-of-way must be planted in soil adequate to ensure proper growth in accordance with standards set by the Tree Inspector. No shrubs or herbaceous plant materials may be planted on a public right-of-way without the prior approval of the Tree Inspector.

3. Trimming, Cutting, and Maintenance.

A. Duties of Private Owners. Any person responsible as owner for all trees, shrubs, or other herbaceous plant materials growing on private property abutting a public right-of-way shall have the following duties:
   i. To trim such trees, shrubs, and plants so that they do not to cause a hazard or in any respect interfere with persons using abutting public property, and do not interfere with the proper lighting or traffic conditions of public streets. Trees shall at all times be kept trimmed in such manner that the lowest branches shall not be less than ten (10) feet from the ground; and
   ii. To treat or remove any trees, shrubs, or plants determined by the Tree Inspector to be so diseased or insect ridden as to constitute a hazard to the trees, shrubs, or plants within the City.

B. Mutilation. No person shall (a) damage, cut, carve, or otherwise injure the bark of any tree, shrub, or plant on public property; (b) attach any rope, wire, or similar contrivance to any tree, shrub, or plant on public property unless such person receives the proper authorization of the Tree Inspector; or (c) in any other way injure or impair the natural beauty or usefulness of any tree, shrub, or plant located on public property.

4. Disease Control and Prevention.

A. Policy. The City Council declares its intention to conduct a program of tree, shrub, and plant pest control under authority of Minnesota Statutes Section 18G.13. The City Council hereby determines that the health of trees within the City is threatened by Dutch elm disease, oak wilt, elm bark beetles, pine bark beetles, emerald ash borer and other agents/vectors of epidemic diseases or insect pests of shade and evergreen trees, and therefore enacts this section to control, eliminate, and prevent such epidemic diseases and pest problems.

B. Public Nuisances. The City Council hereby declares the following things, when found anywhere within the City, to be public nuisances:

Chapter 12 - 19
i. Any elm tree or part thereof infected to any degree with either of the two (2) species of Dutch Elm Disease fungi, Ophiostoma ulmi and Ophiostoma novo-ulmi, or which harbors any of the elm bark beetles.
ii. Any living or standing red or pin oak tree (Quercus rubra and Quercus ellipsoidalis), or part thereof, infested to any degree with oak wilt, fungus, or ceratocystis fagacerarum.
iii. Any dead elm or oak tree, or part thereof in an infectious stage, including branches, stumps, firewood, or other material from which the bark has not been removed and disposed of, that is infested to any degree with oak wilt, fungus, Dutch elm disease, ceratocystitis fagacerarum, or other epidemic disease.
iv. Any ash tree (Fraxinus spp.) or part thereof, infected to any degree with emerald ash borer (Agrilus planipennis) 

v. Any standing pine tree infected with pin bark beetles Ips pini, Ips perroti or Ips grandicollis. 

vi. Any standing dead pine that has been dead under one and one-half years or any exposed pine slash or logs cut from live trees that have been dead under one and one-half years. 

vii. Any tree species with other tree diseases and infestations regulated by the Minnesota Department of Agriculture pursuant to statute, rule or commissioner’s declaration which is necessary for the protection, preservation and conservation of public and private lands and the investment and benefit therein, and to protect and promote the general welfare of the public and the community. 

viii. Any tree deemed by the City Forester as “hazardous”. A hazardous tree is defined as having visible structural defects in the roots, stem and or branches or being in an environmental condition that may cause the tree or parts of the tree to fall; where if it fell would land within a public right-of-way or property owned by another person or entity. 

C. Abatement. It is unlawful for any person to permit any such nuisance as defined in Subpart B of this Subdivision to remain on any premise owned or controlled by such person within the City, or permit the spread of a public nuisance as defined in this chapter across his or her property lines and in any specified control areas as established by the City. Such nuisance may be abated in the manner specified in Section 12.03. 

D. Inspection. The Tree Inspector or an authorized agent shall inspect all premises and places within the City as often as practicable to determine whether any condition described in Subpart B of this Subdivision exists thereon. The Tree Inspector shall investigate all reported instances of infestation by Dutch elm fungus, elm bark beetles, oak wilt disease, or similar diseases or pests. The Tree Inspector may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned under this section. Whenever necessary to determine the existence of Dutch elm disease, oak wilt, or other disease or infestation of pests in any tree, the Tree Inspector may remove or cut specimens from the any tree he or she believes to be a public nuisance, in such manner as to avoid permanent injury to the tree and may forward such specimen to the Minnesota Department of Agriculture, the University of Minnesota Plant Disease Clinic, or a similar organization, for analysis to determine the presence of such nuisance. (5-29-90) 

E. Spraying. Whenever the Tree Inspector determines that any elm tree, oak tree, ash or wood from these trees within the City is infected with oak wilt, Dutch elm fungus, or Dutch elm beetles, or Emerald Ash Borers, the Tree Inspector may spray or inject all nearby trees likely to be infected with an effective concentrate. Spraying or injecting activities shall be conducted in accordance with the technical and expert opinions and plans of the Commissioner of Agriculture. 

F. Storage or Transportation of Wood. It is unlawful for any person to store or dispose within the City any diseased or infested bark bearing elm wood or oak wood without having obtained a written permit from the Tree Inspector. 

G. Financing. The cost of implementing and administering the disease control and prevention program authorized by this section may be defrayed by levying a tax on the taxable property within the City pursuant to Minnesota Statutes Section 18G.13. 

H. Records. The Tree Inspector shall keep a record of the costs of any abatements or other corrective action performed under this section, and shall report such information monthly to the City Council. 

I. Interference Prohibited. It is unlawful for any person to prevent, delay, or interfere with the Tree Inspector while the Tree Inspector is engaged in the performance of duties imposed by this section. 

5. Abatement Procedure for hazardous and infected trees and wood:
A. **Nuisance Declared: Notice; Appeal:** Upon the determination of conditions constituting a nuisance as described in this chapter, located on property with the City of Mahtomedi, excluding city property, the City Forester, Tree inspector or designee shall declare the existence of a public nuisance and order abatement thereof. The City Forester, Tree inspector or designee shall send written notification to the owner of the nuisance declaration and the necessary abatement procedures. A property owner who disagrees with the determination of the City Forester may appeal the determination to the City Council. Such appeal must be filed in writing with the City Clerk and within ten (10) days of receipt of notice of the determination. The City Council shall consider the appeal at the next scheduled regular City Council meeting. The City Council shall affirm, reverse or modify the determination.

B. **Failure to Abate; Contract for Abatement; Costs:** Should a property owner fail to abate the nuisance, or be unwilling or unable to abate the nuisance, as described by the City Forester, Tree Inspector or designee the Public Works Director shall then proceed to contract for the prescribed abatement procedure as soon as possible and shall report to the City Clerk all charges resulting from the abatement procedures carried out on such private property. The City clerk shall list all such charges along with a city administrative cost against each separate lot or parcel by September 1 of each year as special assessments to be collected commencing with the following year’s taxes. Administrative costs as set by City Council ordinance shall be assessed for each parcel and shall be added to each assessment. All assessments levied for the repayment of such tree disease abatement may be repaid over a five (5) year period. Such assessments shall be levied under authority granted by Minnesota Statutes Section 429.101.

C. **Imminent Danger of Infestation:** If the City Forester, tree inspector or designee finds that danger of infestation of epidemic diseases in shade trees is imminent, the City Forester, Tree Inspector or designee shall notify the abutting property owners by mail that the nuisance shall be abated within a specified time.
AN ORDINANCE AMENDING MAHTOMEDI CITY CODE CHAPTER 3 ENTITLED “ANIMALS” BY AMENDING SECTIONS 3.01 AND 3.02 AND ADDING SECTION 3.13 RELATED TO THE HARBORING AND KEEPING OF GOATS – FOR PRESCRIBED GRAZING BY PERMIT

THE CITY COUNCIL OF THE CITY OF MAHTOMEDI HEREBY ORDAINS AS FOLLOWS:

Section One. Amendment. Chapter 3, Section 3.01 of the Mahtomedi City Code is hereby amended to include the following definitions:

"Buck" means a male Goat.
"Doe" means a female Goat.
“Goat” means an animal in the subspecies of Capra aegagrus hircus.
“Grazing” means Goats eating vegetation.
“Wethers” means a castrated buck.
“Prescribed Grazing” means the temporary use of Goats as a landscape management technique to control the growth of undesirable vegetation, including noxious weeds and invasive plants or trees at a specific location and for a defined length of time. For the purpose of this definition, Goats used for prescriptive Grazing are not considered pets or farm animals.
“Prescribed Grazing Permit” means a permit issued that allows prescribed grazing within City limits.

Section Two. Amendment. Chapter 3, Section 3.02 of the Mahtomedi City Code is hereby amended as follows:

3.01 KEEPING OF CERTAIN ANIMALS PROHIBITED.

1. Prohibitions. No person may keep within the City any of the following:
   A. Any wild animal;
   B. Any hoofed animal; or
   C. Any farm animal.
2. Exceptions. This Section does not apply to the following:

A. Animals which are brought into the City solely for participating in any circus or show;

B. Any bona fide research institution or veterinary hospital, provided that such institution or hospital employs protective devices adequate to prevent such animal(s) from escaping or injuring the public;

C. Chickens pursuant to the issuance of a permit as allowed in Section 3.12 of this Chapter;

D. Goats pursuant to the issuance of a permit as allowed in Section 3.13 of this Chapter for prescribed grazing on specified property in the City for a defined period for the express purpose of controlling invasive, noxious or unwanted vegetation; or

E. Any animals prohibited in Section 3.02, subdivision 1 that are kept within the City as of the date the City Council adopts this Chapter, and that are reported to the City in writing by the Owner on or before April 1, 1999.

Section Three. Amendment, Chapter 3, Section 3.13, of the Mahtomedi City Code is hereby added as follows:

3.13 HARBORING AND KEEPING OF GOATS – FOR PRESCRIBED GRAZING BY PERMIT

1. Purpose. The purpose of this this Section is to establish conditions under which the temporary and periodic use of a limited number of goats for invasive species and other weed control is permitted and to establish the requirements for doing so in order to protect the health, safety, and welfare of the general population.

2. Prescribed Goat Grazing Permit Required. It is unlawful for any person to keep, harbor, maintain, possess, or otherwise control any goat within the City, except pursuant to a permit issues by the City under this subdivision.

3. Conditions of Permit. The keeping of goats is permitted, pursuant to a Permit granted under this Section, subject to the following conditions:

A. A permit hereunder may be granted only for:

1. A parcel or lot of record that is 0.5 acres or more in size; or

2. A prescribed grazing area located on more than one parcel or lot provided
the grazing areas on each parcel/lot are contiguous or harbored on or in any other property.

B. The permit holder under this subdivision must occupy the premises for which the permit is issued at all times that the permit is in effect and goats are present on the premises. Goats shall not be allowed on a vacant lot.

C. Prescribed grazing shall only be allowed where vegetation, which may include non-native, invasive or noxious species, cannot otherwise be reasonably removed using conventional mechanical methods, such as buckthorn.

D. All premises on which goats are kept or maintained shall be clean from filth, garbage and any substances which attract rodents. The premises shall be cleaned frequently to control the odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property.

E. Goats shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent property.

F. It shall be unlawful for any person to keep or harbor a goat which habitually bleats. Habitual bleating is defined as bleating for repeated intervals of at least five (5) minutes with less than one (1) minute of interruption. The bleating must also be audible off of the premises for which the permit is issued.

G. The premises for which a permit is issued shall, at all reasonable times, be open to inspection by the City forester or any other City official to determine compliance with this subdivision, other City Code provisions and state laws relating to zoning, health, fire, building or safety.

H. A permit issued hereunder shall be nontransferable. It is unlawful to keep, harbor, maintain, possess, or otherwise control any goat on any property that is not listed on the permit.

I. All supplemental feed for the goats shall be securely stored in water-tight and vermin-proof containers. All goats on the premises shall have daily access to fresh drinking water (not from nearby lakes, ponds, etc.). All goats used under the permit shall receive proper veterinary treatment and regular deworming. In the event that a goat becomes ill, hurt, or perishes, the permit holder and the owner of the goat is responsible for immediate on-site care or removal of the goat from the premises.

J. No more than one (1) goat per every one-tenth (0.10) acre of the prescribed grazing area shall be on the premises at one time under the permit.
K. Unneutered male goats over six (6) months of age are prohibited.

L. Prescribed grazing must comply with the shoreland regulations and wetland regulations set forth elsewhere in the City Code. The permit may restrict the permissible grazing area to protect ecologically sensitive areas on the premises. Prescribed grazing shall comply with the following:

1). Prescribed grazing shall comply with the best management practices established by the Minnesota Department of Agriculture, the Minnesota Department of Natural Resources, Dakota County Soil and Water Conservation District, and all other pertinent agencies.

2). Prescribed grazing shall not impair water quality as defined by the Federal Clean Water Act.

3). Threatened or endangered plant species shall not be negatively impacted by prescribed grazing.

M. The prescribed grazing area shall be fully and securely enclosed with proper enclosures, and fully maintained for the duration of the prescribed grazing permit, as required and provided herein. It is unlawful and a violation of the permit for any goat to be allowed to run at large as the term is defined elsewhere in this Chapter. The prescribed grazing area shall be fully and properly enclosed at all times.

Proper enclosure means any combination of temporary or permanent fences or structures designed to prevent the escape of the goats used for the prescribed grazing and to protect the goats from the intrusion of other predatory animals. All sides of the enclosure(s) shall be of sufficient height and the bottom of the enclosures shall be constructed or secured in a manner as to present to the goats from escaping over or under the enclosure(s). An enclosure shall meet the following requirements:

1). Fences and structures constructed to enclose the prescribed grazing goats but intended to remain at the expiration of the prescribed grazing, shall comply with the regulations for the zoning district in which the prescribed grazing is located and shall be permitted separately from the prescribed grazing.

2). Temporary fencing and structures for the sole purpose of enclosing prescribed grazing goats shall be allowed for the duration of the prescribed grazing. All temporary fencing or structures shall be removal within five (5) days of the removal of the goats from the premises as required under the permit.
3). Temporary fences may be electric or electrified as specified in the approved prescribed grazing permit. Where electric fences are used, a double fence system with a non-electric outer fence, maintained a minimum of three (3) feet from the electric fence, is required to serve as a safety barrier to reduce the possibility of the public coming in contact with the electric fence. If an existing natural barrier or permanent structure exist which prevent contact with or serve as a barrier to the electric fence, then the second outer fence may not be required for the applicable segment of fencing.

4). Any electric or electrified fence in association with prescribed grazing must have a warning sign posted on every boundary of the enclosure at least every fifty (50) feet along each side of the fence. The warning sign shall clearly identify the electric fence. No single sign shall exceed four (4) square feet in area. Each sign shall be clearly visible on the approach to the fence and be posted on or within one (1) foot of the electric or electrified fence.

5). The outer fence line shall be inside the property lines of the premises on which the permit applies and shall not be located within any public or private right-of-way.

6). The goat containment fences shall be set back a minimum of 100 feet from any residence.

N. If the proposed prescribed grazing area is within a conservation easement, all requirements of the conservation easement must be met. If the terms of the conservation easement do not allow prescribed grazing, then the permit will be denied.

O. The owner of the goat(s) to be utilized under the permit shall have and maintain insurance coverage for claims arising from prescribed grazing in the amount of $1,000,000 per occurrence and $2,000,000 general aggregate and shall provide to the City proof prior to the issuance of the permit.

P. The permit holder shall install and maintain signs on the premises for the duration of the permit as follows:

1). Signs warning of the hazardous condition of the presence of goats such as “Do Not Enter – Goat Defoliation Area” or “Do Not Enter – Goat Invasive Species Treatment Area – No Petting Or Feeding.”

2). A sign shall be located on each side of the enclosed area. The sign shall be a minimum of 4 square feet and not exceed 16 square feet in area.

3). The signs shall not contain advertising. However, the contact
information of the owner of the goat(s) may be listed on the sign for emergency purposes.

4). The signs shall be setback a minimum of 10’ from the property line of the premises if freestanding or placed on the enclosure fence.

5). All signs shall be removed when the goats are removed from the premises.

4. Permit Process.

A. An applicant shall complete an application form provided by the City and filed with the City Clerk. The applicant shall also pay the Application fee for the permit which shall be established by City fee schedule. Permit fees shall not be prorated or refundable.

B. The applicant shall must provide a detailed site plan of the premises on which the prescribed grazing is sought to occur, including the location and dimensions of the proposed grazing area, a list of the vegetation existing on the site and sought to be controlled by the prescribed grazing, the location and delineation of any wetland or public water shoreline, and the location of the proposed enclosure fencing;

C. The full name and address of the following persons:

   a. The applicant signed thereto; and

   b. The owner(s) of the premises on which prescribed goat grazing is sought to occur and for which the permit would apply;

D. The street address of the premises on which prescribed grazing is sought to occur and for which the permit would apply;

E. The number of goats to be kept on the premises under the permit, not to exceed one (1) goat per very one-tenth (0.10) acre of the prescribed grazing area;

F. The full name, address, and 24-hour contact telephone number of the person who owns the goats to be used for the prescribed grazing;

G. The type of fencing to be used for the required enclosure;

H. Date the temporary fence will be installed;

I. Date the goats will arrive on the premises for which the permit would apply;
J. The latest date the goats will be removed from the premises for which the permit would apply;

K. A statement certifying whether the property's homeowners' association rules, if any, prohibit the keeping of goats on the property for which the permit is sought;

L. If the applicant is not the fee owner of the premises on which the goats for prescribed grazing is sought to be kept and for which the permit would apply, the application shall be signed by all fee owners of the premises;

M. Any other and further information as the City deems necessary.

5. Granting or Denying Issuance of Permit. The City Clerk may grant a permit under this subdivision; however, a permit may not be issued unless the application filed demonstrates compliance with the requirements of this subdivision. A permit shall not be issued until the City forester or designee inspects and determines the existence and the need for control of undesirable vegetation, as well as review of any ecologically sensitive areas, on the premises at which the prescribed grazing is sought to be implemented. The City Clerk shall deny a permit hereunder for any of the following reasons:

A. The application is incomplete or contains false, fraudulent or deceptive statements;

B. The applicant does not or has not complied with one or more of the provisions of this subdivision;

C. The premises for which the permit is sought, including, but not limited to, the proposed grazing area, is not in compliance with any provisions of this subdivision, other City Code provisions or state law relating to zoning, health, fire, building or safety; or

D. The applicant or owner of the premises where the prescribed grazing is to occur has been previously convicted of a violation under this subdivision with the past two years.

E. The applicant is delinquent in paying of any taxes, assessments, forfeitures, or fines for violations of City Code, utility bills or other claims owed to the City.

6. Duration of Permit: The duration of a permit under this Section shall be as follows:

A. On properties with an area of less than two (2) acres, prescribed grazing shall not be permitted for more than thirty (30) consecutive days. No more
than two (2) prescribed grazing permits may be issued within one (1) calendar year for the premises. There shall be a minimum of sixty (60) days between the expiration of the first permit issued and the second permit issued in a twelve (12) month period.

B. On properties with an area of two (2) or more acres, the duration of the of the prescribed grazing shall be as specified in the permit, determined solely within the discretion of the City Clerk as may be guided by City personnel trained in control and maintenance of noxious and invasive weed/plant vegetation.

7. Right of Entry for Inspection. An initial inspection of the prescribed grazing area and fencing is required to verify compliance with this ordinance and the site plan submitted with the Application prior to moving goats onto the premises. City Staff may enter and inspect any property for which a prescribed goat grazing permit has been issued following notice to the property owner at any reasonable time for the purpose of ensuring compliance with this Section. It shall be deemed a violation of this Section for any person to resist, impede or hinder City Staff or their designee in the performance of their duties inspecting any goat-related materials.

8. Liability. The City shall have no liability for any damages that may be caused by goats kept on a property pursuant to this Section. Owners under this Section shall be jointly and severally liable for any damage that may be caused by the goats kept pursuant to the permit issued under this Section.

9. Violation and Penalties. If a violation of the terms of this Section or the prescribed goat grazing permit is found, the City shall give written notice thereof to the permit holder. If the violation is not remedied within ten (10) days of the date of the notice, a misdemeanor citation may be issued and/or the prescribed goat grazing permit may be revoked following notice and a hearing before the City Council. The City Clerk may summarily revoke a permit if a permit holder’s Goat(s) have been found running at large on two (2) or more occurrences within the term of the permit.

Section Four. Effective Date. This Ordinance shall be in full force and effect upon its publication as provided by law.
Passed in regular session of the City Council on the ___ Day of __________, 2020.

Motion for adoption by:
Seconded by:
Ayes:
Nays:
Abstained:
None Absent:

CITY OF MAHTOMEDI

By _______________________
Judson Marshall
Its Mayor

Attest:

By:  Jerene Rogers
     Its City Clerk

(Published in the White Bear Press on ______, 2020)