

## CHAPTER 3 - ANIMALS

### 3.01 DEFINITIONS.

For the purposes of this Chapter, the following terms have the following meanings:

1. “Animal” means any individual member of any of the species of birds, fish, amphibians, reptiles, insects, arachnids, crustaceans, or mammals, except homo sapiens.
2. “Authorized City Personnel” or “Animal Control Officer” means the person(s) designated by the City Council as the City’s Animal Control Officer(s) and Police Officers.
3. “Cat” means any male or female of any breed of domesticated feline animal.
4. “Chicken” means a domesticated bird (of the species *Gallus domesticus* or various similar or related birds) that serves as a source of eggs and/or meat.
5. “Coop” means the structure for the keeping or housing of chickens.
6. “Dog” means any male or female of the canine species, commonly accepted as domesticated pets.
7. “Hen” means a female chicken.
8. “Owner” means:
  - A. The holder of any license for an animal issued by the City pursuant to this Chapter; or
  - B. Any person or persons possessing, owning, keeping, harboring, acting as the custodian of an animal, having an interest in, or otherwise keeping or having the care, custody, or control of any animal.
9. “Rooster” means a male chicken.
10. “Goat” means an animal in subspecies of *Capra aegagrus hircus*.
  - A. “Grazing” means goats eating vegetation.
  - B. “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 prescribed grazing are not considered pets or farm animals.

- C. “Prescribed Grazing Permit” means a permit that allows prescribed grazing within City limits.
10. “Run” means a fully enclosed area attached to a coop where hens can roam.
  11. “Running at Large” or “Run at Large” means any animal that is not:
    - A. Effectively contained within a fenced area, by voice control, or by other means on the owner's property;
    - B. Effectively restrained by chain or leash to private property with the consent of the property owner; or
    - C. Effectively restrained by a chain or leash not exceeding six (6) feet in length or by a “Flexi-Lead” or similar device when located on any street, public grounds, or other location besides the owner’s property.
  12. “Vaccination Against Rabies” means the inoculation of a dog or cat with a rabies vaccine by or under the supervision of a veterinarian duly licensed to practice veterinary medicine.
  13. “Wild Animal” means any mammal, amphibian, reptile, or bird that is of a species not usually domesticated, and which, due to size, wild nature or other characteristic, is or may be dangerous to humans. The term includes animals and birds, the keeping of which is licensed or prohibited by the State or Federal government, including, but not limited to, wolves, raptors and pheasants. By way of example and not of limitation, the term "wild animal" includes snakes, eagles, ocelots, jaguars, cougars, weasels, ferrets, badgers, monkeys, chimpanzees, deer, bison, skunks, and raccoons. The term also includes crossbreeds, such as a cross between a dog and a coyote, a cross between a dog and a wolf, and a cross between a cat and any member of the family Felidae.
  14. “Farm Animal” means cattle, mules, sheep, goats, swine, ducks, geese, turkeys, chickens, guinea hens, horses, llamas, ostriches, alpacas, emus, and other animals typically maintained in a farm setting but not in an urban setting.

15. “Keep” means to own, stable, harbor, maintain, or act as a custodian for an animal.
16. “Potentially Dangerous Dog” shall have the meaning given it in Minnesota Statutes Section 347.50, subd. 3.
17. “Dangerous Dog” shall have the meaning given it in Minnesota Statutes Section 347.50, subd. 2.
18. “Proper Enclosure” shall have the meaning given it in Minnesota Statutes Section 347.50, subd. 4.
19. “Substantial Bodily Harm” shall have the meaning given it in Minnesota Statutes Section 609.02, subd. 7(a).
20. “Great Bodily Harm” shall have the meaning given it in Minnesota Statutes Section 609.02, subd. 8.
21. “Veterinary Hospital” means a place for the treatment, hospitalization, surgery, care, and boarding of animals and birds under the direction of one or more licensed veterinarians.
17. “City Impounding Facility” means the facility designated by the City Council as an animal impounding facility for keeping animals that are impounded by the City.
18. “Colony” means an aggregate of bees consisting principally of workers, but having, when perfect, one queen, drones, brood, combs and honey.
19. “Hive” means the receptacle inhabited by a colony that is manufactured for that purpose.
20. “Honeybee” means all life stages of the common domestic honey bee, *apis mellifera*. African subspecies and Africanized hybrids are not considered to be honeybees for the purposes of this Chapter.

### **3.02 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; or
  - D. Goats kept temporarily pursuant to the issuance of a permit as allowed in Section 3.13 of this Chapter for prescribed grazing on a specified property in the City for a defined period for the express purpose of controlling invasive, noxious or unwanted vegetation; or (1-19-21)
  - 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.

### **3.03 DOGS AND CATS.**

1. Maximum Number of Dogs and Cats Allowed in a Dwelling Unit. No person shall keep an excessive number of dogs and/or cats over the age of six (6) months in any one house (including any accessory structures or accessory buildings), apartment, condominium, or other dwelling unit. An excessive number of dogs and/or cats for purposes of this provision shall mean more than a total of six (6) such animals occupying a single dwelling unit.
2. License Required. A person must not keep within the City any dog over six (6) months of age for any period of time longer than ten (10) consecutive days without obtaining a license from the City, except that a person is not required to obtain a license for dogs which are brought into the City solely for participation in any dog show or which are being kept in the city by a person fostering the dog for an animal rescue group.
3. Application for License. Any person applying for a dog license must apply for the license in writing on the form prescribed by the City. The applicant must provide all the information the City reasonably requires, including, but not limited to:

- A. The name, age, breed, sex, color and markings of the dog;
  - B. A certificate showing that the dog has been vaccinated against rabies by a licensed veterinarian;
  - C. The address or legal description of the real property where the dog will be kept; and
  - D. If the application is for a license for a Dangerous or Potentially Dangerous Dog, proof that the specific requirements of Section 3.05 have been met.
4. License Fee. Every person applying for a dog license must pay a biennial fee for the license to the City in the amount determined by the City Council and set forth in the Fee Schedule. The City will issue a dog license at no charge to a properly trained and certified guide dog for visually impaired persons, or service dog for disabled persons, provided that the owner of such dog provides the City with proof satisfactory to the City that the dog is a certified guide or service dog
5. Dog Tags. If the dog license applicant complies with Section 3.03, subdivision 2, the City will, upon payment of the required license fee, issue a license certificate and metallic tag for the dog.

The City will stamp on the tag the year the City issues the tag and number corresponding with the number on the license certificate. The owner must affix the tag to a collar and the dog must wear the collar with the attached tag whenever the dog is not on the owner's property. If a tag is lost or destroyed, the City will issue a duplicate tag to the owner if the owner presents proof that the owner has paid the fee required by Section 3.03(3).

6. Tag Transfers Prohibited. An owner must not transfer any tag from one dog to another. If the owner transfers ownership of the dog to another person, the owner shall notify the City within thirty (30) days after the transfer and provide the City with the name and address of the new owner.
7. Female Dogs in Heat. An owner must confine a female dog in heat in a proper enclosure so that the dog cannot contact any other dog, except that this subdivision does not prohibit planned breeding between a female dog in heat and any other dog.
8. Seizure and Impoundment of Animals Running at Large.
- A. Seizure. Any person may seize, impound or restrain any animal running at large in the City. If a person seizes, impounds, or restrains a dog running at large, the person must hold the dog for

the Animal Control Officer or must deliver it to the City Impound Facility. Authorized City Personnel may capture, seize and deliver to the Animal Control Officer, the keeper of an authorized impound facility, or to any suitable place the Animal Control Officer approves, any animal which:

- i. If a dog, does not have a license issued by the City under this Section;
  - ii. If a dog, is not wearing the metal license tag issued by the City pursuant to this Section;
  - iii. Unreasonably disturbs the peace as described in Section 3.03(10); or
  - iv. If a dog or cat, is not wearing a rabies vaccination tag.
- B. Notice. Upon the impounding of an animal, the Animal Control Officer must promptly attempt to notify the owner, if known, personally or by mail addressed to the owner's last known address of the animal's impoundment.
- C. Length of Impoundment and Release. The City Impound Facility will keep any dog or cat that has been impounded for at least six (6) days, unless the owner reclaims the dog or cat within the six (6) day period.
- D. Reclaiming Impounded Animal. Only the owner of the dog or cat may reclaim the dog or cat. If the owner reclaims the dog or cat, the City will authorize the City Impounding Facility to release the dog or cat to its owner upon completion of the following requirements. To reclaim an impounded animal:
- i. The owner must pay the impound fee listed in the Fee Schedule;
  - ii. The owner must pay the administrative handling fee and daily boarding fee for each day or fraction of a day the City impounds the animal, in the amount listed in the Fee Schedule;
  - iii. If the impounded animal is a dog and the dog is unlicensed, the person reclaiming the dog must provide the City Impounding Facility with proof that the person owns the dog and, if the owner lives in the City, proof that the person has obtained a dog license from the City; and

- iv. If the impounded animal is a dog or cat, the owner must provide proof of a current rabies vaccination, or if the dog or cat is not currently vaccinated against rabies, must arrange for the dog or cat to be so vaccinated before it will be released.
  - E. Failure to Reclaim. If the owner of an impounded animal does not reclaim the animal within six (6) days, the owner forfeits any and all right, title, and interest of the owner in the animal and the Animal Control Officer must, if possible, deliver the animal to a humane society or similar animal shelter for adoption, give the animal away, or, as a last resort, order the disposal of the animal in a humane manner.
9. Removal of Animal Feces. Any person having custody or control over any dog on any property within the City, other than the property of the dog's owner, must have in his or her immediate possession a device for picking up and disposing of dog feces, and must pick up and dispose of any and all feces in a sanitary manner.
- A. Exceptions. This subdivision does not apply to the following:
    - i. Visually impaired persons using certified guide dogs;
    - ii. Disabled persons using service dogs;
    - iii. City agents or employees using dogs in connection with police activities; or
    - iv. Persons using tracking dogs with the City's permission.
10. Disturbing the Peace. A person shall not keep any animal that by its barking, howling, whining, or other noises, unreasonably disturbs the peace and quiet of any person in the vicinity. The phrase “unreasonably disturbs the peace and quiet” includes, but is not limited to, the creation of any noise by the animal that can be heard by any person, including a law enforcement official or Animal Control Officer, from a location not on the property where the animal is located, and that noise occurs repeatedly over at least a five (5) minute period of time with one (1) minute or less lapse of time between each animal noise during the five (5) minute period.
11. Inhumane Treatment Prohibited. A person must not:
- A. Physically abuse an animal;

- B. Expose an animal to extreme temperatures;
- C. Confine an animal in a motor vehicle without adequate ventilation when the atmospheric temperature, humidity, and sun rays can be reasonably expected to cause suffering, disability, or death;
- D. Fail to provide an animal with reasonably adequate food, water, or shelter; or
- E. Otherwise subject an animal to any other type of inhumane or cruel treatment prohibited by Minnesota Statutes, Chapter 343.

### **3.04 RABIES CONTROL.**

1. Vaccination Requirements. The owner of any dog or cat four (4) months of age or older must cause the dog or cat to be vaccinated against rabies by or under the supervision of a veterinarian duly licensed to practice veterinary medicine in Minnesota, and shall keep the dog or cat's vaccination current. If a person brings a dog or cat that is not vaccinated against rabies as required by this Subdivision into the City, the person must vaccinate the dog or cat against rabies in the manner provided in this subdivision within ten (10) days after the date the person brings the dog or cat into the City.
2. Vaccination Identification. Whenever a dog or cat is anywhere within the City other than on the owner's property, it must wear a tag supplied by the veterinarian who vaccinated it evidencing that the dog or cat is currently vaccinated against rabies. The Animal Control Officer may request that the owner of a dog or cat provide the City with a current certificate of rabies vaccination issued by the veterinarian. If proof of vaccination is not provided within seven (7) days of the Animal Control Officer's request, the dog or cat may be impounded.
3. Exceptions. The provisions of this Section do not apply to a dog or cat located in the City for less than ten (10) days.
4. Handling of Dogs and Cats Bitten by a Rabid Animal. For the purposes of this subdivision, any bat, skunk, civet cat, raccoon, or fox that bites a dog or cat is deemed a "rabid animal." The following rules apply if a dog or cat is bitten by a rabid animal, has been exposed to rabies, or appears to be rabid:
  - A. If the dog or cat that is bitten has not been vaccinated against rabies, the owner of the dog or cat shall either immediately destroy the dog or cat or place it in strict isolation for a minimum period of one (1) month at the owner's sole cost and expense. If the owner



places the dog or cat in isolation, it must be immediately vaccinated against rabies at the owner's sole cost and expense.

- B. If the bitten dog or cat has been vaccinated against rabies, its owner must immediately revaccinate the dog or cat against rabies at the owner's sole cost and expense, and must place the dog or cat in strict isolation for a minimum period of one (1) month at the owner's sole cost and expense.
  - C. If the dog or cat is displaying symptoms of being rabid, it may be seized and confined at the City Impound Facility at the expense of its owner until it is found to be free of rabies.
  - D. If the dog or cat cannot be impounded or isolated without serious risk of personal injury, the dog or cat may be killed if reasonably necessary for the safety of a person or persons.
5. Animal Bites. The owner of any animal that bites any person where the bite breaks the person's skin or the bite requires treatment by a doctor and the person bitten or his or her parent or guardian must report the incident to the Mahtomedi police department within twenty-four (24) hours of the bite. The animal must be immediately confined for a period of not less than ten (10) days in a veterinary hospital or on the owner's premises, as directed by the Animal Control Officer. The Animal Control Officer may refuse to permit confinement on the owner's premises if the animal has previously been found repeatedly running at large or if the animal does not have a currently effective rabies vaccination. If confinement on the owner's premises is permitted, the animal may not be allowed off the premises or in contact with other people or animals during the confinement period except for medical purposes. If the owner fails to comply with these restrictions, the Animal Control Officer or a Police Officer may obtain a warrant to enter onto the property, seize the animal, and remove it to a veterinary hospital. The owner is responsible for all costs of confinement incurred under this Subdivision.
6. Impoundment Following Animal Bites. The City may impound any animal running at large which has bitten a person until the quarantine period is completed if, upon apprehension, the animal bears no identification which reasonably reveals its ownership.

If the animal is not reclaimed by its owner within six (6) days after the animal is impounded, the Animal Control Officer may either destroy the animal and submit the carcass to an appropriate person for rabies examination, or keep the animal impounded for the full quarantine period of ten (10) days.

If, on or before the tenth day of the quarantine, the animal shows signs suggestive of rabies, the Animal Control Officer may destroy the animal and submit the carcass to an appropriate person for a rabies examination. The owner of the animal may order the animal destroyed at any point during the quarantine period. If, at the end of the ten (10) day quarantine period, the animal does not show signs suggestive of rabies, the quarantine will be terminated. During the quarantine period, the animal must be securely confined in a building or in a yard enclosed by a fence constructed so that the animal cannot get through or over it, and which will not permit other animals or persons to enter, and will prevent the animal from coming in contact with other animals or persons other than the custodian of the animal. If the animal cannot be safely confined for the quarantine period without posing a threat to other persons, the animal may be destroyed. Upon the City's request, the owner or custodian must make the animal available to the City Animal Control Officer for inspection at any reasonable time during the quarantine period. If the animal is destroyed, dies, becomes sick or escapes within the quarantine period, the owner, custodian or agent thereof must notify the Animal Control Officer. When it is necessary to quarantine an animal under this Section, the cost and expense of the quarantine shall be borne by the owner of the animal.

### **3.05 POTENTIALLY DANGEROUS AND DANGEROUS DOGS.**

1. Dangerous and Potentially Dangerous Dogs. The provisions of Minnesota Statutes Sections 347.50 through 347.565 (commonly referred to as the “Dangerous Dog Regulations”) are hereby adopted and incorporated by reference and must be adhered to in all respects, except as otherwise explicitly provided in this Section.
2. Declaration of Dangerous or Potentially Dangerous Dog.
  - A. The Animal Control Officer or any Police Officer may declare a dog to be Dangerous or Potentially Dangerous when the officer has probable cause to believe that a dog is Dangerous or Potentially Dangerous. The following factors will be considered in determining a Dangerous or Potentially Dangerous Dog:
    - i. Whether any injury or damage to a person by the dog was caused while the dog was protecting or defending a person or the dog’s offspring within the immediate vicinity of the dog from an unjustified attack or assault;
    - ii. The strength and size of the dog, including jaw strength, and the animal’s propensity to bite humans or other domestic animals; and

- iii. Whether the dog has wounds, scarring, is observed in a fight, or has other indications that the dog has been or will be used, trained, or encouraged to fight with another animal or whose owner is in possession of any training apparatus, paraphernalia or drugs used to prepare such dogs to fight with other animals.
- B. Designation Review. Beginning six (6) months after a dog is declared Dangerous or Potentially Dangerous, an owner may request annually that the City review the designation. The owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training, or other factors. If enough evidence is provided, the City may rescind the designation.
- C. Exceptions.
- i. The provisions of this Section do not apply to dogs used by law enforcement.
  - ii. Dogs must not be declared dangerous or potentially dangerous if the threat, injury, or danger was sustained by a person who was:
    - a. Committing a willful trespass or other tort upon the premises occupied by the owner of the dog;
    - b. Provoking, tormenting, abusing, or assaulting the dog, or who can be shown to have a history of repeatedly provoking, tormenting, abusing, or assaulting the dog; or
    - c. Committing or attempting to commit a crime.
3. License Required. The owner of a Dangerous or Potentially Dangerous dog must annually obtain a license from the City and must license a newly declared Dangerous or Potentially Dangerous Dog within fourteen (14) days after notice that a dog has been declared Dangerous or Potentially Dangerous. Regardless of any appeal of such designation that may be requested, the owner must comply with the requirements of Minnesota Statutes Section 347.52, (a) and (c) regarding proper enclosures and notification to the City upon transfer or death of the dog, until and unless the City Council or a court of law reverses the declaration.
- A. Process for Dangerous Dogs. The City will issue a license to the owner of a Dangerous Dog if the owner presents sufficient evidence that the requirements of Minnesota Statutes Sections 347.51 to 347.52 have been met.

- B. Process for Potentially Dangerous Dogs. The City will issue a license to the owner of a Potentially Dangerous Dog if the owner presents sufficient evidence that:
    - i. There is a proper enclosure;
    - ii. The owner has paid the annual license fee; and
    - iii. The owner has had a microchip identification implanted in the Potentially Dangerous Dog.
  - C. Warning Symbol. The owner of a Dangerous Dog licensed under this Section must post a sign with the uniform dangerous dog warning symbol on the property in order to inform children that there is a Dangerous Dog on the property. The sign will be provided by the City upon issuance of the license.
  - D. Tags. A Dangerous Dog licensed under this Section must wear a standardized, easily identifiable tag at all times that contains the uniform dangerous dog symbol, identifying the dog as Dangerous. The tag shall be provided by the City upon issuance of the license.
  - E. License Fee. The City will charge the owner an annual license fee for a Dangerous or Potentially Dangerous Dog as listed in the City's Fee Schedule.
- 4. Right to Hearing. After a dog has been declared Dangerous or Potentially Dangerous or has been seized for destruction pursuant to Minnesota Statutes, Section 347.54, the City shall give notice pursuant to Minnesota Statutes, Section 347.541 to the owner. The owner may appeal this designation or seizure in writing on the form required by the City within fourteen (14) days of the date of the notice of declaration or seizure. Failure to do so within fourteen (14) days of the date of the notice will terminate the owner's right to a hearing. If an appeal is properly and timely filed with the City, a hearing will be held pursuant to Minnesota Statutes, Section 347.541.
  - 5. Registration of Dangerous Dogs. No person may keep a Potentially Dangerous or Dangerous Dog within the City unless the dog is currently registered as provided in this Section.

### **3.06 PROHIBITIONS.**

- 1. Nuisance. A person must not own or keep any animal that creates or constitutes a nuisance. A nuisance is defined as:

- A. Owning or keeping an animal that by virtue of the number or types of animals kept is offensive or dangerous to the public health, safety, or welfare; or
  - B. An animal that disturbs the peace as defined in Section 3.03, subd. 10; or
- 2. Trespass. A person must not permit an animal under his or her care, custody, or control to damage another person's lawn, garden, or other property.
  - 3. Abandonment. A person must not abandon an animal within the City.

### **3.07 INVESTIGATION.**

Any police officer or the Animal Control Officer, having reasonable cause to believe that a person has or is violating a provision of this Chapter or the conditions, limitations, restrictions or prohibitions of any permit or license the City issues under this Chapter, may apply to the appropriate authority as prescribed by law for a warrant empowering the police officer or Animal Control Officer to enter the dwelling or residence of the owner or keeper of any animal for the purpose of investigating the same and to demand the owner's or keeper's presentation of the animal to the Animal Control Officer or police officer.

### **3.08 ENFORCEMENT.**

The Animal Control Officer, his or her designee, any police officer, and any other person designated by the City Council may enforce the provisions of this Chapter.

### **3.09 IMPOUND FACILITY.**

The City Council shall designate a place as the animal impounding facility for keeping animals that are impounded by the City. (8/24/98)

### **3.10 FEEDING OF DEER PROHIBITED.**

- 1. Feeding Prohibited. No person shall feed or allow the feeding of any deer or engage in any activity which may reasonably be expected to result in deer feeding, unless such items are screened or protected in a manner that prevents deer from feeding on them. For purposes of this Section, feeding shall mean provision of one-half cubic foot or more of grain, fruit, vegetables, nuts, hay, or other edible material including feed for birds, either on the ground or at a height of less than five (5) feet above the ground, or in any other manner that attracts deer on a regular basis. Living food sources such as fruit trees and other live vegetation shall not be considered as deer feeding.

2. Exceptions. This prohibition shall not apply to:
  - A. Veterinarians, Animal Control Officers, park maintenance staff, or county, state or federal game officials who, in the course of their duties, have deer in custody or under their management;
  - B. Persons authorized by the City of Mahtomedi to implement a Minnesota Department of Natural Resources Deer Management Program approved by the City Council; or
  - C. Any food placed upon the property for purposes of trapping or otherwise taking deer where such trapping or taking is pursuant to a permit issued by the Minnesota Department of Natural Resources.

### **3.11 KEEPING OF BEES.**

1. Certain Beekeeping Permitted. It is the purpose and intent of this section to permit the keeping of honeybees as a hobby, subject to the regulations contained hereinafter. It is recognized that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding pastime, and that gentle strains of honeybees can be maintained within populated areas without causing a nuisance if carefully managed. It is the purpose and intent of this section to permit the keeping of bees in such ways that is not a nuisance or detrimental to the public health, safety, or welfare.
2. Permit Required: No person shall keep, maintain, or otherwise care for bees within the City without first obtaining a beekeeping permit.
3. Conditions. The keeping of honeybees is permitted, pursuant to a permit issued under this section, subject to the following conditions:
  - a. No more than four (4) colonies may be kept on any one property.
  - b. Honeybee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition. Each hive structure shall not exceed twenty (20) cubic feet in volume.
  - c. A convenient source of water shall be available within ten (10) feet of the hives at all times that the colonies remain active outside of the hive. An adjacent lake or pond shall not constitute an acceptable convenient source of water.

- d. No wax comb or other material that might encourage robbing by other bees shall be left exposed outdoors. Such materials shall be stored in sealed insect-proof containers or placed within a building.
- e. Beekeeping equipment shall be maintained in good condition and unused beekeeping equipment shall be protected to prevent occupancy by swarming honeybees.
- f. Hives shall be continuously managed to provide adequate living space for their resident honeybees to control swarming.
- g. In any instance in which a colony exhibits unusually aggressive behavior, it shall be the duty of the permit holder to promptly take appropriate action to address the behavior.
- h. No honey may be sold from the property where the hives are located unless a home occupation permit has been issued for the property.
- i. Hives must be located at least ten (10) feet from all property lines and at least twenty-five (25) feet from a principal building on an abutting lot or a public sidewalk. Hives may not be located in a front yard.
- j. A flyaway barrier shall shield any part of a property line that is within twenty (20) feet from a hive. The flyaway barrier shall be six (6) feet in height and shall consist of a wall, fence, dense vegetation or a combination thereof such that the bees will fly over, rather than through it to reach the hive. If the adjoining property is undeveloped, with no trails or sidewalks located within twenty (20) feet of the property line, a flyaway barrier is not required.
- k. Each hive shall be posted with a “Warning: Bee Hive” sign consisting of letters at least four (4) inches tall.

4. Permit Process:

- a. An applicant shall complete an application form provided by the City. The application shall include a site plan depicting the property and showing the location, size and type of the hives.
- b. Applicants shall complete a beekeeping training course prior to issuance of a permit. Proof of completion of the required training course shall be provided at the time of permit application. The curriculum of the beekeeping course shall be similar to that of the beekeeping courses offered by the University of Minnesota, Century College, or the Three Rivers Park District
- c. Permit holders shall submit a new application to the City following issuance of a beekeeping permit if the permittee proposes to increase the number of colonies located on the property.

- d. Applicants who are not the owner of record of the property where honeybees will be kept shall provide evidence of the property owner's consent to the beekeeping activity on the property.
  - e. Notice that an application for a beekeeping permit has been submitted shall be mailed to all record owners of property located within three hundred fifty (350) feet of the property lines of the property where the beekeeping is proposed to occur. If there are no objections received within ten (10) days of mailing the notices, the permit application will be processed by City Staff. If written objection to the issuance of the beekeeping permit is received by the City within ten (10) days of the mailing of the permit application notice, the City Administrator shall hold an informal hearing with the applicant and objector pursuant to the City's beekeeping permit policy prior to issuing or denying the permit application. Any person who wishes to appeal the issuance or denial of a beekeeping permit may appeal the issuance or denial of the permit pursuant to the process outlined in Section 11.01, subd. 8.24 of the City Code.
  - f. Beekeeping permits shall expire five (5) years after issuance unless sooner revoked.
  - g. A beekeeping permit is non-transferable and shall only permit the keeping of bees by the permit holder at the location listed on the permit.
5. Right of Entry for Inspection: City Staff may enter and inspect any property for which a beekeeping permit has been issued following notice to the property owner at any reasonable time for the purpose of ensuring compliance with this section.
  6. Violation and Penalties: If a violation of the terms of this Section or the beekeeping 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 beekeeping permit may be revoked following notice and a hearing before the City Administrator.

### **3.12 KEEPING OF CHICKENS.**

1. Intent. It is recognized that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding pastime. It is the purpose and intent of this ordinance to permit the keeping and maintenance of hens in a clean and sanitary manner that does not create a nuisance and is not detrimental to the public health, safety and welfare of the residents of the City.
2. Permit Required. No person shall keep, maintain, or otherwise care for chickens within the City without first obtaining a permit for the keeping of chickens from the City.



3. Conditions. The keeping of chickens is permitted, pursuant to a permit issued under this section, subject to the following conditions:

- A. All premises in which hens are kept or maintained shall be kept reasonably clean from filth, garbage, and any substances which attract rodents. A coop and its surroundings, including any run, must be cleaned frequently enough to control odor. Feces shall not be allowed to accumulate in a way that creates an unsanitary condition or causes odors detectible on another property.
- B. Coops shall be constructed and maintained so as to be predator and rodent-proof and must be maintained in good condition and working order.
- C. All grains and other hen food shall be kept in a rodent proof container.
- D. Hens shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent properties and must be kept in a coop. An exception may be made for hens under four (4) months in age to be temporarily kept in an accessory structure to facilitate the regulation of their temperature.
- E. All coops and runs shall be located in the rear yard and shall be at least twenty (20) feet from adjacent habitable structures and five (5) feet from all property lines. Portable coops and runs are allowed, but must be identified on the required site plan and shall comply with the setback requirements of this provision.
- F. A coop shall provide a minimum of four (4) square feet of floor space per hen.
- G. In no case shall the number of hens kept on one property exceed six (6).
- H. Roosters are prohibited.
- I. Breeding is prohibited.
- J. Hens must be contained within the coop or run whenever unattended, but when attended by the owner, may be allowed in a yard completely fenced in by a fence at least four (4) feet in height. Hens must be confined to the owner's premises at all times, may not roam at large, and must be secured inside a coop from sunset to sunrise each day.
- K. Dead hens must be disposed of according to the Minnesota Board of Animal Health rules.

4. Permit Process:

- A. An applicant shall complete an application form provided by the City. The application shall include a description of all coops. The applicant must also provide a site plan depicting the property and showing the location, size and setbacks of the coop and run from all adjacent habitable structures and property lines.
  - B. Applicants who are not the owner of record of the property where chickens will be kept shall provide evidence of the property owner's consent to the keeping of chickens on the property.
  - C. Applicants shall complete a chicken keeping training course prior to issuance of a permit. Proof of completion of the required training course shall be provided at the time of permit application. Chicken permits shall expire five (5) years after issuance unless sooner revoked.
  - D. A chicken permit is non-transferable and shall only permit the keeping of chickens by the permit holder at the location listed on the permit.
  - E. An initial inspection of the coop, fence and property is required to verify compliance with this ordinance and the site plan submitted with the application prior to moving chickens onto the property.
5. Right of Entry for Inspection: City Staff may enter and inspect any property for which a chicken 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 in inspecting any chicken-related materials.
6. Violation and Penalties: If a violation of the terms of this Section or the chicken 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 chicken permit may be revoked following notice and a hearing before the City Council.

### **3.13 HARBORING AND KEEPING OF GOATS FOR PRESCRIBED GRAZING**

- 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, or otherwise possess any goat within the City, except pursuant to a permit issues by the City under this

section.

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 and an aggregate of 0.5 or more acres in size.
  - B. 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.
  - C. 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.
  - D. Goats shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent property.
  - E. It shall be grounds for revocation of a permit 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.
  - F. 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 section, other City Code provisions and state laws relating to zoning, health, fire, building or safety.
  - G. A permit issued hereunder shall be nontransferable and shall be solely for the property listed on the permit.
  - H. 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.

- I. 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.
- J. Only female goats neutered male goats, or unneutered male goats less than six months old that accompany female goats are allowed.
- K. 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 any best management practices established by the Minnesota Department of Agriculture, the Minnesota Department of Natural Resources, Washington 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.
- L. 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 prevent 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 goats but intended to remain at the expiration of the prescribed grazing permit 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 goats for prescribed grazing shall be allowed for the duration of the prescribed grazing permit. All temporary fencing or structures shall be removed 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 as to 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 goat containment fences shall be set back a minimum of 30 feet from any residence other than the property owner's residence.

- M. 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.
- N. 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 of the required insurance coverage prior to issuance of the permit.
- O. 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 set back a minimum of 10 feet 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 the 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.

- C. The full name and address of the following persons:
    - a. The applicant; and
    - b. The owner(s) of the premises on which prescribed 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 every 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. The signature of the owner(s) of the premises where the prescribed grazing will occur;
  - 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 Section provided the application filed demonstrates compliance with the requirements of this section. 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 section;
  - 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 section, 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 had a prescribed grazing permit revoked by the City within the past two years.
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 same property. 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 wee/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 section 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 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 a prescribed grazing permit. The permit holder shall be responsible for any damage caused by goats used for prescribed grazing purposes.

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. (1-19-21)