

Chapter 10 - ANIMALS (with redlined/tracked changes plus commentary)

FOOTNOTE(S):

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State Law reference— General authority relative to animals, Minn. Stats. §§ 410.33, 412.221, subd. 21; animal health, Minn. Stats. ch. 35; dogs and cats, Minn. Stats. ch. 347; cruelty to animals, Minn. Stats. § 343.20 et seq.; stray animals and companion animals, Minn. Stats. ch. 346. [\(Back\)](#)

Commented [TG1]: Much of the protection for animals that is traditionally discussed as part of any Conditional Use Permit request is able to be handled through existing State Statutes.

ARTICLE I. - IN GENERAL

Sec. 10-1. - Keeping of certain animals, livestock and poultry.

~~(a) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:~~

Commented [TG2]: Changes to structure of regulations for horses eliminate the need for a separate definition here.

~~*Pony means a horse that does not exceed 54 inches or 13.2 hands in height.*~~

~~(ab) **Animals on less than three acres.** None of the following animals shall be maintained on any parcel of land in the city that is not at least 3.0 acres (130,680 square feet) in size: ~~horses,~~ llamas, cows, mules, donkeys, burros, ~~ponies,~~ goats, pigs, sheep, lambs, turkey, geese and ducks. EXCEPTION: Chickens (hens only, no roosters or crowing hens) may be maintained on parcels less than three acres. The following chart prescribes the number of chickens that can be maintained on lots of record to which the animal owner has fee title and desires to maintain chickens:~~

Lot Size	Number of Chickens Permitted (no roosters or crowing hens)
0.00 to 0.24 Acres	6
0.25 to 0.49 Acres	8
0.50 to 0.74 Acres	12
0.75 to 0.99 Acres	16
1.00 to 1.24 Acres	20
1.25 to 1.49 Acres	24
1.50 to 1.74 Acres	28
1.75 to 1.99 Acres	32

2.00 to 2.24 Acres	36
2.25 to 2.49 Acres	40
2.50 to 2.74 Acres	44
2.75 to 2.99 Acres	48

(c) *Animal unit.* Animal unit is defined as a measure used to compare differences in production of animal wastes. The following chart establishes the number of animal units assigned to certain livestock and poultry:

Animal	Number of Units
Cow	1.5
Horse , mule, llama, alpaca	1.0
Donkey, burro, pony , goat, pig, sheep, lamb	0.5
Turkey, goose	0.1
Chicken, duck	0.04

Commented [TG3]: Focusing horse regulations on single section rather than multiple sections.

(d) *Permitted animals.*

(1) The following chart prescribes the number of animal units that can be maintained on lots of record to which the animal owner has fee title and desires to maintain a mix of livestock, ~~equines~~, poultry, or fowl (refer to section 10-24 for regulations for maintaining horses ~~or equines exclusively~~):

Parcel Size	Number of Animal Units Allowed
3 acres (130,680 square feet)	2
5 acres (217,800 square feet)	3
10 acres (435,600 square feet)	5

15 acres (653,400 square feet)	7
20 acres+ (871,200 square feet)	No limitation

(2) Maintenance of ~~more animals than the prescribed number~~ in subsection (d)(1) of this section is permitted only with a conditional use permit in accordance with section 117-50

Commented [TG4]: Should this be expanded to allow for the process to include animals on smaller lot sizes?

(e) Non-traditional or exotic animals.

Commented [TG5]: Exotic animals are those that are non-traditional domestic animals. This is different than wild animals discussed in later sections of this chapter. Essentially, it is those animals not specifically listed as allowable by this Code, but also not listed as a wild or non-domesticated animal.

(1) Non-traditional or exotic animals are those that are not normally considered to be domesticated but are not wild animals as defined in section 10-119. A person may keep a non-traditional or exotic animal as defined herein only upon issuance of ~~a conditional use permit in accordance with section 117-50~~ non-traditional animal license. In determining whether an animal is considered non-traditional or exotic, it shall be the responsibility of the applicant to supply the city with the necessary data and information to reasonably prove that the animal is not dangerous in captivity. This information shall be part of the public record and shall be discussed as part of the ~~conditional use permit review~~ non-traditional animal license.

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(2) In reviewing a request to keep non-traditional or exotic animals, the city may impose conditions and restrictions as it finds necessary, including but not limited to the following:

- a. Restrictions on the number and type of animals;
- b. Setbacks greater than those required in section 10-23 or the underlying zoning district for the property in question;
- c. Restrictions on the size, height, and type of enclosures;
- d. Screening or landscaping of the proposed use.

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(3) The applicant must also submit a copy of all permits required from any other regulatory agencies.

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(4) Non-traditional animal license process.

a. Application. The application for a license shall contain the following information: name, address, and telephone number of applicant; the address of the location, and a sketch plan of the premises where the animals will be maintained include how the owner will demonstrate compliance with the standards of this section.

b. Processing application. The application must be filed with the zoning administrator together with the permit fee thirty (30) days prior to a City Council meeting. Following an inspection of the premises proposed to be licensed, the zoning administrator shall make a recommendation to the City Council to approve or deny the application. The City Council shall hold a Public Hearing and make the final decision on the application.

c. Term and transfer. The license shall be valid without renewal provided that the applicant complies with the terms of the license. Licenses under this Chapter may not be transferred from person to person or from place to place.

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d. Revocation. The council may revoke any license issued under this article upon adequate notice and a hearing before the council, if requested, on the following grounds: any violation of this Code; Material misstatement or misrepresentation in application for license or renewal thereof; Failure to keep the licensee's premises in an orderly, aesthetically pleasing manner as prescribed by the council and/or its designated representative.

(f) *Beekeeping.* Bee hives may be maintained on a parcel with the issuance of a ~~conditional-use permit~~beekeeping license.

- (1) Hives may only be located on lots with an existing use.
- (2) No more than six hives may be located on a lot.
- (3) No hive shall exceed 20 cubic feet in volume.
- (4) No hive shall be located closer than three feet from any property line or within any easement, whichever is more restrictive.
- (5) No hive shall be located closer than ten feet from a neighboring, inhabited structure.
- (6) A constant supply of water shall be supplied or available to all hives.
- (7) A flyway barrier at least six feet in height shall shield any part of a property line that is within 25 feet of a hive. The flyway barrier shall consist of 100 percent opaque fencing, dense, year-round (coniferous) vegetation, existing structures, or combination thereof, and shall extend at least 25 feet beyond the hive.
- (8) Colonies shall be maintained in moveable frame hives with adequate space and management techniques to prevent overcrowding and swarming.
- (9) In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to requeen the colony. Queens shall be selected from stock bred for gentleness and nonswarming characteristics.

(10) Beekeeping license process.

a. Application. The application for a license shall contain the following information: name, address, and telephone number of applicant; the address of the location, and a sketch plan of the premises where the dogs will be maintained include how the owner will demonstrate compliance with the standards of this section.

b. Processing application. The application must be filed with the zoning administrator together with the permit fee thirty (30) days prior to a City Council meeting. Following an inspection of the premises proposed to be licensed, the zoning administrator shall make a recommendation to the City Council to approve or deny the application. The City Council shall hold a Public Hearing and make the final decision on the application.

c. Term and transfer. The license shall be valid without renewal provided that the applicant complies with the terms of the license. Licenses under this Chapter may not be transferred from person to person or from place to place.

d. Revocation. The council may revoke any license issued under this article upon adequate notice and a hearing before the council, if requested, on the following grounds: any violation of this Code; Material misstatement or misrepresentation in application for license or renewal thereof; Failure to keep the licensee's premises in an orderly, aesthetically pleasing manner as prescribed by the council and/or its designated representative.

(g) Miscellaneous Maintenance standards.

- (1) Chickens must be contained in an enclosure and said enclosure must be designed in accordance with City Code Chapter 117, Article II (Zoning) and MN State Building Code. The enclosure shall be counted as an accessory building when calculating total number of permitted accessory buildings on a property. The enclosure and surrounding grounds shall be maintained in a clean and sanitary condition and in good repair. Flies, rodents and noxious odors shall be controlled.
- (2) The enclosure shall remain completely enclosed to prevent unwanted intrusion by outside animals and migratory birds.

- (3) A confined exercise area must be provided for the animals. The exercise area shall be fenced off to prevent the animals from roaming at large.
- (4) Manure shall not be permitted to accumulate on the property. Manure shall be removed at least once per week, but while on the property shall be properly stored.
- (h) *Setbacks.* All enclosures must maintain a minimum setback of ten feet from all property lines and must maintain a minimum setback of 30 feet from all adjacent inhabited structures.
 - (1) If 100 percent opaque fencing (privacy fencing) is utilized for the exercise area, said fencing is subject to the standard fence regulations and setbacks within City Code Chapter 117. If alternative fencing is used (for example, chain link fencing), then said fencing shall be no closer than ten feet to a property line.
- (i) *Prohibition of nuisance animals.* No animals of any type may be maintained on any parcel within the city, no matter what size the parcel, if the maintenance of said animals creates a nuisance as defined in chapter 30.

(Code 1978, § 5.09.01; Ord. No. 73-06; Ord. No. 80-09; Ord. No. 02-05, 4-15-2002; Ord. No. 12-06, § 1, 6-12-2012)

Sec. 10-2. - Animals at large.

No person shall allow any animals of any type, or fowl belonging to them or in their care, to run at large or to be picketed on public grounds; but this prohibition shall not apply to cats or dogs, except as are by this Code forbidden to be at large.

(Code 1978, § 5.09.02; Ord. No. 73-06)

Secs. 10-3—10-22. - Reserved.

~~ARTICLE II.—LIVESTOCK AND POULTRY~~

Sec. 10-~~23~~. - Barns and stables.

- (a) No stable or barn in which horses, sheep, cows, goats or other animals are kept may be located within 50 feet of a place of human habitation and 75 feet of neighboring property lines. Such stables and barns, where lawful, shall be kept clean. Manure shall be removed with sufficient frequency to avoid nuisance from odors or from the breeding of flies at least once every two weeks.
- (b) Manure shall be removed by hauling beyond the city limits unless used for fertilizer, in which case it shall be spread upon the ground evenly and turned under at once or as soon as the frost leaves the ground.

(Code 1978, § 5.09.04; Ord. No. 02-06, 4-15-2002)

ARTICLE II. - HORSES

Sec. 10-24. - Horses.

- (a) *Intent and purpose of section provisions.* The intent of this section is to establish regulations for maintaining horses as defined in subsection (b) of this section exclusively on property. Section 10-3 (barns and stables) also applies to this article. The purpose of this section is:
 - (1) To prohibit the maintaining of horses on lots or parcels of record less than 1.5 acres in size;
 - ~~(2) To require a conditional use permit prior to maintaining a horse on a lot of record 1.5 acres in size and less than three acres in size;~~

- (3) To require the filing with the city of a sketch drawing prior to maintaining a horse ~~on a lot or parcel of recorded three acres and larger in size~~; and
- (4) To ensure proper handling, treatment and maintenance of horses.

Commented [TG6]: The City requires a sketch drawing of the site anytime a horse is maintained on a property. This text is being eliminated due to the removal of the conditional use permit process for smaller lots.

- ~~(b) Horse defined.~~ As used in this section, the term "horse" shall mean any stallion, mare, gelding, foal, pony, donkey, ass, burro, mule or animal of horse kind.
- (c) *Acreage requirements.* The following chart prescribes the number of horses that can be maintained on lots of record of sizes as shown. ~~This chart is applicable only to the maintenance of horses exclusively and shall be considered separate from the animal unit formula established in section 10-4 for the maintenance of a mix of horses and farm animals on property.~~ The lease of property contiguous to the lot of record is eligible to meet acreage requirements provided the lot of record is at least ~~1.50~~3.0 acres in size and evidence of a current lease is provided to the city.

Acreage	Number of Horses Permitted	Comments
Less than 1.5 acres	0	Not permitted.
1.5—2.9 acres	2	Permitted only with conditional use permit.
<u>1.5 - 3.0 acres</u>	2	Sketch drawing required in property file.
Over 3 acres	2+	One additional horse for each full acre over 3 acres.

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Commented [TG7]: This would eliminate the need for a Conditional Use Permit for all horse requests. As drafted, a license would NOT be required for the keeping of horses. Horses would simply be allowed as a permitted use with the proper sketch drawing. Horses would still not be allowed on lots less than 1.5 acres.

~~(d) Conditional use permit approval required.~~

- ~~(1) Prior to maintaining and boarding a horse on any lot or parcel within the city which lot or parcel is less than three acres in size, but larger than 1.5 acres in size, the landowner shall apply for and obtain a conditional use permit (CUP) from the city.~~
- ~~(2) An application for the CUP shall be initiated by the landowner where the horses are to be maintained by filing a form prescribed by the city. The procedure to be followed shall be as prescribed in section 447-50~~

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(e) *Sketch drawing required.*

- (1) Prior to maintaining and boarding a horse or horses on any parcel of land three acres or more in size, the landowner shall provide a sketch drawing to the city.
- (2) Required sketch drawing information shall include:
 - a. Name and address of the fee owner of the subject property where the horses are to be maintained and the name and address of occupant of subject property.
 - b. Legal description of subject property.
 - c. Acreage of subject property and acreage of enclosed roaming area.
 - d. Number of horses to be maintained on subject property.
 - e. Sketch drawing showing, to scale:
 - 1. Location of all buildings on subject property;

2. Fenced in horse pasture area;
3. Location and distance from subject property of all adjacent property's buildings; and
4. Area on subject property where manure will be stored if the number of horses exceeds one horse per one-half acre of enclosed roaming area.

(f) *Rodent and insect control.*

- (1) Manure shall be handled or treated in such a manner as not to create a public nuisance which shall mean at a minimum that manure will be properly disposed of weekly when the number of horses on any one parcel exceeds one horse per one-half acre of enclosed roaming area.
- (2) Corrals, pens, stables or similar enclosures shall be maintained in a manner to minimize fly breeding.
- (3) Accumulations of horse manure on the paved portion of a street, sidewalk or alley shall not be permitted, and the horse owner shall be responsible to abate such nuisance.

(g) *Care and maintenance of horses.*

- (1) No horse shall be treated cruelly or inhumanely by any person or in violation of Minn. Stats. ch. 343, which provisions relate to preventing cruelty to animals.
- (2) Proper care and maintenance of each horse shall be the responsibility of the person, firm or corporation designated as the owner, caretaker or custodian of such horse.
- (3) No person shall keep a horse in a manner creating a public or private nuisance.
- (4) Horses shall be provided adequate shelter.
- (5) Fences for pens, corrals or similar enclosures must be of sufficient height and strength to retain the horses enclosed. Extra care must be taken to ensure the stallions are properly enclosed.

(h) *Control, trespass roadways and impoundment.*

- (1) No person shall permit any horse of which they are the owner, caretaker or custodian to run at large within the city. Such animal will be deemed to run at large when it is off the premises owned or rented by its owner and unaccompanied by the owner, or an agent or employee of the owner.
- (2) The chief of police or any designated agent of the city may impound any horse found at large and shall provide proper sustenance for such impounded horse. The chief of police or designated agent shall, within 24 hours after any such horse has been impounded, post written notice at the city hall describing such horse and stating that it has been impounded. If the owner of the impounded horse is known to the person impounding, personal service of notice of such impounding shall be served within 24 hours after impounding upon such owner in the manner prescribed by state law for the service or process.
- (3) Costs incurred by the city in impounding horses running at large shall be paid by the horse owner prior to releasing the horse. An impounded horse shall be released only to a person providing proof of ownership and displaying a receipt from the city administrator showing payment of the reasonable costs of impounding, cost of feeding and veterinarian care.
- (4) Any person who, without authority of law, and without first paying the costs due, shall take an impounded horse out of the enclosure in which it is impounded, shall be guilty of a misdemeanor.
- (5) In the event a horse impounded by the city is not redeemed within 14 days, after its impoundment, the chief of police or designated agent shall give three days' notice of the time and place where such horse will be sold by posting and serving notices as required for notice herein. If such horse cannot be sold on the day stated, it may be sold as soon as possible thereafter without notice. The city treasurer shall deposit said proceeds in the general fund.
- (6) If the previous owner of the horse which was sold makes a claim for the sale proceeds within one year from the sale date, the city finance officer, on order from the council, shall pay the previous

horse owner the difference between the sale price and the cost of impounding, feeding and sales charges; otherwise, the sale proceeds shall be forfeited to the city.

- (7) No person may ride or drive a horse after sunset and before sunrise along or crossing any public way without appropriate lighting or reflectorized clothing.
- (8) The council shall designate and properly post those areas in public lands and parks where horses may be ridden.
- (9) No person may ride or drive a horse in any public park, beach, golf course or other public property except within the right-of-way of public streets and highways and areas duly designated by the city as a trail or hitching area.
- (10) Persons riding a horse or driving a horse-drawn vehicle upon a public road way shall be subject to those provisions of this Code and state law applicable to the driver of motor vehicles, except those provisions which by their nature have no application.
- (11) Horses shall not be ridden or driven in any manner that would cause undue damage to any hard-surfaced road.
- (12) No person shall ride or drive a horse upon private property without the prior written permission of the owner or occupant thereof.
- (13) No person shall interfere with any horse ridden or kept in a lawful manner, and owners of domestic animals shall restrain their animal so as to not interfere.

(Code 1978, § 5.09.05; Ord. 74-4, 8-13-1974; Ord. No. 90-11; Ord. No. 02-07, 5-9-2002; Ord. No. 06-14, § 1, 4-25-2006)

Secs. 10-25—10-51. - Reserved.

ARTICLE III. - DOGS

FOOTNOTE(S):

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State Law reference— Dogs and cats, Minn. Stats. ch. 347. [\(Back\)](#)

DIVISION 1. - GENERALLY

FOOTNOTE(S):

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Editor's note— Ord. No. 12-11, § 2, 3, adopted July 24, 2012, repealed the former Div. 1, §§ 10-52—10-68, and enacted a new Div. 1 as set out herein. The former Div. 1 pertained to similar subject matter and derived from Code 1978, § 5.09.03, subd. 1—19; Ord. No. 88-02; Ord. No. 99-16, 12-23-1999; Ord. No. 08-09, § 2, 2-12-2008.

Sec. 10-52. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal control authority means an agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

Boarding means providing for the care, shelter, or feeding of dogs, not owned by the owner or occupant of the premises where said dogs are kept, for any period.

Dangerous dog means any dog that has:

- (1) Without provocation, inflicts substantial bodily harm on a human being on public or private property.
- (2) Has killed a domestic animal without provocation while off the owner's property.
- (3) Has been found to be potentially dangerous, and, after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Dog means any male or female of the canine species.

Dog owner means the license holder or any other person, firm, association, or corporation owning, keeping or harboring a dog. Any person keeping or harboring a dog for five consecutive days shall, for the purposes of this definition, be deemed an owner.

Great bodily harm means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm

Kennel, commercial, means a place where boarding and/or training is offered to any number of dogs not owned by the owner or occupant of the premises. Such boarding and/or training may also include but is not limited to related uses such as selling, breeding, showing, treating or grooming. Pet shops, veterinary clinics, and pet grooming facilities are considered commercial uses but shall not be defined as commercial kennels.

Kennel, private, means a place where a dog owner keeps four or more dogs over six months of age on property occupied by the dog owner for residential purposes and where the keeping of such dogs is incidental to the occupancy of the premises, and may include breeding and selling of dogs as a hobby. A conditional use permit is required for four or more dogs.

Owner means the license holder or any other person, firm, association, or corporation owning, keeping or harboring a dog. Any person keeping or harboring a dog for five consecutive days shall, for the purposes of this definition, be deemed an owner.

Potentially dangerous dog means any dog that:

- (a) When unprovoked, inflicts bites on a human or domestic animal on public or private property.
- (b) When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner's property, in an apparent attitude of attack.
- (c) Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

Proper enclosure means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting.

Provocation means an act that an adult could reasonably expect may cause a dog to attack or bite.

Running at large means any dog which is not either:

- (a) Effectively contained on private property;
- (b) Effectively restrained, by chain or leash, to private property with the consent of the property owner;
- (c) Effectively restrained by a chain or leash not to exceed six feet in length; or
- (d) Under the voice control of its owner.

Substantial bodily harm means bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or that causes a fracture of any bodily member.

(Ord. No. 12-11, § 3, 7-24-2012)

Sec. 10-53. - Animal control officer.

As used in this article the term "animal control officer" means any city officer or employee designated to enforce any portion of this article.

(Ord. No. 12-11, § 3, 7-24-2012)

Sec. 10-54. - Duties of animal control officer.

The animal control officer shall perform the following duties:

- (a) Seize, impound, or restrain any dog found running at large within the city.
- (b) Investigate all cases of animal bites reported to him and supervise the quarantine of any such animal to ensure that it is kept under observation for a period of ten days.
- (c) Enforce all other provisions of this article.

Sec. 10-55. - No interference with officer.

It shall be unlawful for any person to molest or in any way interfere with any peace officer, animal control officer, or any of their duly authorized assistants, or with any duly authorized agent while engaged in performing work under the provisions of this article.

(Ord. No. 12-11, § 3, 7-24-2012)

Sec. 10-56. - Number of dogs permitted.

(j) On a parcel or series of contiguous parcels under the same ownership or occupancy as the dog owner, no more than three dogs are permitted. A ~~conditional use permit~~ private kennel license is required for four or more dogs.

(k) Private kennel license process.

(1) Application. The application for a license shall contain the following information: name, address, and telephone number of applicant; the address of the location where four (4) or more dogs will be maintained, the number of dogs proposed to be maintained on the premise, the breeds of the dogs to be maintained, and a sketch plan of the premises where the dogs will be maintained.

(2) Processing application. The application must be filed with the zoning administrator together with the permit fee thirty (30) days prior to a City Council meeting. Following an inspection of the premises proposed to be licensed, the zoning administrator shall make a recommendation to the City Council to approve or deny the application. The City Council shall hold a Public Hearing and make the final decision on the application.

(3) Term and transfer. The license shall be valid without renewal provided that the applicant complies with the terms of the license. Licenses under this Chapter may not be transferred from person to person or from place to place.

(4) Revocation. The council may revoke any license issued under this article upon adequate notice and a hearing before the council, if requested, on the following grounds:

a. Any violation of this Code;

b. Material misstatement or misrepresentation in application for license or renewal thereof;

c. Failure to keep the licensee's premises in an orderly, aesthetically pleasing manner as prescribed by the council and/or its designated representative.

(Ord. No. 12-11, § 3, 7-24-2012)

Sec. 10-57. Individual Dog Licensing.

All dogs kept, harbored, or maintained in the city shall be licensed and registered. Applications for license shall be made to the city administrator, or his designee, upon forms provided by the city administrator. Said application shall require the owner, among other information required by the city administrator, to supply the name, age, predominant breed, sex, color and markings of each dog sought to be licensed. In addition, when the applicant or owner has been convicted of violation of section 10-65 relative to the dog sought to be licensed, the application shall require proof of public liability insurance in the minimum amount of \$300,000.00. Upon submission of the application and a certificate evidencing compliance with the terms and provisions of section 10-59, relating to vaccination for rabies, and upon payment of a fee as established by ordinance, the city administrator or his designee shall issue a license. Said license will be concurrent with a valid rabies vaccination for up to three years.

(Ord. No. 12-11, § 3, 7-24-2012)

Sec. 10-58. - Tags.

The license shall be in the form of an identification tag and shall be affixed by the owner to a collar to be worn by the dog. In case a tag is lost or destroyed, a duplicate will be issued by the city administrator upon presentation of a receipt showing payment of the license fee for the current period and a payment as established by ordinance. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee because of death of the dog or the owners leaving the city prior to expiration of the license period.

(Ord. No. 12-11, § 3, 7-24-2012)

Sec. 10-59. - Rabies vaccination.

- (a) Every owner or keeper of a dog shall cause the same to be vaccinated by a licensed veterinary with anti-rabies vaccine at least once every three years and prior to the time such dog shall reach the age of six months.
- (b) No dog need be vaccinated when a licensed veterinarian has examined the animal and certified that, at such time, vaccination would endanger its health because of its age, infirmity, debility, illness, or other medical consideration; and such exception certificate is presented to the animal control officer within five days of such examination. The animal shall be vaccinated against rabies as soon as its health and age permit. Unvaccinated animals must be confined to the owner's property or a veterinary facility.

(Ord. No. 12-11, § 3, 7-24-2012)

Sec. 10-60. - Animal at large.

Every owner or keeper of a dog shall cause the same to be under the control of and in custody of a person of sufficient age to adequately control the dog at all times, while the dog is off the premises of the owner. The terms "control" and "custody" mean on a leash of not more than six feet in length or under the voice control of its owner. It shall be lawful to have a dog in an automobile without a leash, but it must be on a leash or under the voice control of its owner if taken out of the vehicle. Violation of this section shall be a petty misdemeanor.

(Ord. No. 12-11, § 3, 7-24-2012)

Sec. 10-61. - Report of dog bites.

Any person knowing of a human being bitten by a dog shall immediately notify the animal control officer or the police department and said dog shall then be confined and kept under observation for a period of ten days before being removed from owner's property or disposed of.

(Ord. No. 12-11, § 3, 7-24-2012)

Sec. 10-62. - Destroying a dog.

It shall be unlawful for any person other than the animal control officer or a police officer to kill or destroy any dog or animal of the dog kind running at large in the city or that has been known to bite a person within ten days.

(Ord. No. 12-11, § 3, 7-24-2012)

Sec. 10-63. - Abandonment.

No person shall abandon or release any dog, cat, or other animal with the boundaries of the city.

(Ord. No. 12-11, § 3, 7-24-2012)

Sec. 10-64. - Potentially dangerous dogs.

- (a) The animal control officer will provide the owner of a dog that has been deemed potentially dangerous, per section 10-52, with a potentially dangerous dog incident report.
- (b) If the dog has inflicted bites on a human or domestic animal on public or private property, a quarantine notice will also be provided to the owner advising of a ten day quarantine period.
- (c) If a proper enclosure cannot be provided for the dog, the animal control officer can seize the dog for the quarantine period. All costs of the care, keeping, and disposition of the dog are the responsibility of the person claiming an interest in the dog.
- (d) Any person knowing of a human being bitten by a dog shall immediately notify the animal control officer or the police department and said dog shall then be confined and kept under observation for a period of ten days before being removed from owner's property or disposed of.

(Ord. No. 12-11, § 3, 7-24-2012)

Sec. 10-65. - Dangerous dogs.

- (a) The animal control officer will provide the owner of a dog that has been deemed dangerous, per section 10-52, with a dangerous dog incident report.
- (b) If the dog has inflicted bites on a human or domestic animal on public or private property, a quarantine notice will also be provided to the owner advising of a ten-day quarantine period.
- (c) An owner of a dangerous dog shall keep the dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.
- (d) An owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased. If the dog is removed from the jurisdiction, it must be registered as a dangerous dog in its new jurisdiction.
- (e) An owner of a dangerous dog must notify the animal control authority in writing of the death of the dog or its transfer to a new location where the dog will reside within 30 days of the death or transfer, and must, if requested by the animal control authority, execute an affidavit under oath setting forth either the circumstances of the dog's death and disposition or the complete name, address, and telephone number of the person to whom the dog has been transferred or the address where the dog has been relocated.

- (f) An animal control authority shall require a dangerous dog to be sterilized at the owner's expense. If the owner does not have the animal sterilized within 30 days, the animal control authority shall seize the dog and have it sterilized at the owner's expense.
- (g) A person who owns a dangerous dog and who rents property from another where the dog will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a dangerous dog that will reside at the property.
- (h) A person who transfers ownership of a dangerous dog must notify the new owner that the animal control authority has identified the dog as dangerous. The current owner must also notify the animal control authority in writing of the transfer of ownership and provide the animal control authority with the new owner's name, address, and telephone number.

(Ord. No. 12-11, § 3, 7-24-2012)

Sec. 10-65. - Dangerous dog registration.

- (a) *Requirement.* No person may own a dangerous dog in this state unless the dog is registered as provided in this section.
- (b) *Registration.* An animal control authority shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence that:
 - (1) A proper enclosure exists for the dangerous dog and a posting on the premises with a clearly visible warning sign that there is a dangerous dog on the property, including a warning symbol to inform children;
 - (2) A surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the animal control authority in the sum of at least \$300,000.00, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least \$300,000.00, insuring the owner for any personal injuries inflicted by the dangerous dog;
 - (3) The owner has paid an annual fee of not more than \$500.00, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section; and
 - (4) The owner has had microchip identification implanted in the dangerous dog with the name of the microchip manufacturer and identification number of the microchip provided to the animal control authority. If the microchip is not implanted by the owner, it may be implanted by the animal control authority. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog's owner.
- (c) *Warning symbol.* If an animal control authority issues a certificate of registration to the owner of a dangerous dog pursuant to subdivision (b), the animal control authority must provide, for posting on the owner's property, a copy of a warning symbol to inform children that there is a dangerous dog on the property. The warning symbol must be the uniform symbol provided by the commissioner of public safety. The commissioner shall provide the number of copies of the warning symbol requested by the animal control authority and shall charge the animal control authority the actual cost of the warning symbols received. The animal control authority may charge the registrant a reasonable fee to cover its administrative costs and the cost of the warning symbol.
- (d) *Fee.* The animal control authority may charge the owner an annual fee, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.
- (e) *Dangerous dog designation review.* Beginning six months after a dog is declared a dangerous dog; an owner may request annually that the animal control authority 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 that includes modification of aggressive behavior, or other factors. If the animal control authority finds sufficient evidence that the dog's behavior has changed, the authority may rescind the dangerous dog designation.

- (f) *Law enforcement; exemption.* The provisions of this section do not apply to dangerous dogs used by law enforcement officials for police work.
- (g) *Exemption.* Dogs may not be declared dangerous if the threat, injury, or damage was sustained by a person:
 - (1) who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;
 - (2) who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or
 - (3) who was committing or attempting to commit a crime.
- (h) *Tag.* A dangerous dog registered under this section must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol, affixed to the dog's collar at all times.

(Ord. No. 12-11, § 3, 7-24-2012)

Sec. 10-66. - Hearing for dogs deemed dangerous or potentially dangerous.

The owner of a dog that has been deemed dangerous or potentially dangerous may request a hearing to determine the validity of the dangerous or potentially dangerous dog declaration. If such a request is made, the owner must immediately comply with provisions 1 of the notice, until the hearing examiner issues an opinion. To appeal the dangerous or potentially dangerous dog declaration:

- (a) A request, identifying with specificity the basis for the dog owner's objection to the declaration shall be filed in writing with the office of the chief of police within 14 days after the date of the service of the notice. Failure to do so within 14 days will terminate the owner's right to a hearing.
- (b) A \$250.00 filing fee shall be submitted with the appeal request. In the event that the dangerous dog declaration is not upheld by the hearing examiner, the filing fee will be refunded to the dog's owner. Per Minn. Stat. § 347.541, if the dangerous dog declaration is upheld by the hearing examiner, actual expenses of the hearing up to a maximum of \$1,000.00 will be the responsibility of the dog's owner.
- (c) A hearing shall be conducted within ten days, unless a later date is mutually agreed to by the hearing examiner, the dog owner and the city.
- (d) The hearing officer shall issue a decision on the matter within ten days after the hearing. The decision must be delivered to the dog's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the animal control authority.
- (e) If the hearing officer affirms the dangerous dog declaration, the owner will have 14 days from receipt of that decision to comply with all requirements of the notice.
- (f) Any costs incurred for the care, keeping, and disposition of the dog are the responsibility of the person claiming an interest in the dog, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law.

(Ord. No. 12-11, § 3, 7-24-2012)

Sec. 10-67. - Failure to restrain an attack by a dog.

- (a) It shall be unlawful for an owner to fail to restrain a dog from inflicting or attempting to inflict bodily injury to any person or other animal. Violation of this section shall be a misdemeanor. The court, upon a finding of the defendant's guilt hereunder, is authorized to order, as part of the disposition of the case, that the animal be destroyed based on a written order containing one or more of the following findings of fact:
 - (1) The animal is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning, or multiple attacks; or

- (2) The owner of the animal has demonstrated an inability or unwillingness to control the animal in order to prevent injury to persons or other animals.
- (b) If the court does not order the destruction of the dog, the court, as an alternative, may order the defendant to provide, and show proof to the court of public liability insurance in the minimum amount of \$300,000.00.

(Ord. No. 12-11, § 3, 7-24-2012)

Sec. 10-68. - Stopping an attack.

If any police officer or animal control officer is witness to an attack by a dog upon a person or another animal, the officer may take whatever means they deem appropriate to bring the attack to an end and prevent further injury to the victim.

(Ord. No. 12-11, § 3, 7-24-2012)

Sec. 10-69. - Dogs disturbing the peace.

It shall be unlawful for any person to own, keep, have in possession, or harbor any dog that howls, yelps, or barks to the reasonable annoyance of another person. Any person violating this section, who upon first requested by a police officer or animal control officer to stop or prevent the annoyance, and refuses to comply with the request will be issued a citation or arrested in accordance with Minnesota Rules of Criminal Procedure, and, if the officer deems it necessary to stop the annoyance, may have the dog taken to the city animal pound. Any dog placed in the pound may be reclaimed by the owner upon payment of the fee prescribed in subsection 10-95(b), and if not reclaimed may be disposed of in the manner provided in subsection 10-95(c).

(Ord. No. 12-11, § 3, 7-24-2012)

Sec. 10-70. - Removal of excrement.

It is unlawful for any person who owns or has custody of a dog to cause or permit such animal to defecate on any private property without the consent of the property owner or on any public property unless such person immediately removes the excrement and places it in a proper receptacle. The provisions of this section shall not apply to seeing-eye dogs under the control of a blind person or dogs while being used in city police activity.

(Ord. No. 12-11, § 3, 7-24-2012)

Secs. 10-71—10-94. - Reserved.

DIVISION 2. - IMPOUNDMENT

Sec. 10-95. - Procedure; reclaiming.

- (a) *Impoundment.* All dogs picked up by the animal control officer or any of their duly authorized assistants shall be immediately transported to the designated pound. If the owner is known, they shall be immediately notified by telephone or personal contact and by written notice to their last known address. If the owner is unknown, written notice containing a description of the animal shall be posted at the pound and the city hall. The notice shall advise the owner that they have five regular business days to claim the dog. The term "regular business day" means any day during which the pound is open to the public not less than four consecutive hours between the hours of 8:00 a.m. and 7:00 p.m.
- (b) *Reclaiming.* An owner may reclaim an impounded dog:

- (1) If the dog has a current license: by paying to the pound master an impounding fee plus a boarding fee in an amount determined by agreement between the city and the designated pound, for each day the animal was confined. There shall also be an added impounding fee for any dog impounded twice within 12 months. Such fees shall be set by ordinance.
 - (2) If the dog does not have a current license: by first obtaining a license from the city administrator and paying the costs to the pound master.
- (c) *Unclaimed animals.* Any animal not claimed within the allotted time shall be disposed of in accordance with the provisions of Minn. Stats. § 35.71, subd. 3.

(Code 1978, § 5.09.03, subds. 9, 10, 12; Ord. No. 88-02; Ord. No. 01-22, 10-29-2001)

Secs. 10-96—10-118. - Reserved.

ARTICLE IV. - WILD ANIMALS

Commented [TG8]: The ordinance does not make any policy to this article. These types of requests are already processed as a conditional use permit. The amended language removes outdated and conflicting language.

Sec. 10-119. - Rules and definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

At large means a wild animal that is outside of its secondary enclosure, or when the wild animal is outside of its primary enclosure but within its secondary enclosure and not in the presence of the owner.

Dwelling means a building or portion thereof designed or used exclusively for residential occupancy.

Handling means feeding, manipulating, transporting, restraining, treating, training, working or performing any similar activity with respect to a wild animal.

Impound means to seize and hold in legal custody.

Livestock means a typical farm animal kept for agricultural use, pleasure or profit, including but not limited to horses, mules, sheep, goats, cattle, swine, fowl, rabbits and mink.

Lot means a tract, plat or portion of a subdivision or other parcel or land intended as a unit for the purpose, whether immediate or future, or transfer of ownership or for the building development.

Owner means a person who keeps a wild animal or the parents or guardians of such a person under 18 years of age.

Portable primary enclosure means the portable structure used to confine a wild animal in a secure manner that prevents the running at large of a wild animal during transportation or temporarily confining such an animal during handling.

Primary enclosure means an individual, partnership, firm, joint stock company, corporation, association, unincorporated association of individuals, trust, estate, or other entity.

Restraint means the portable structure used to confine a wild animal in a secure manner that prevents the running at large of a wild animal during transportation or temporarily confining such an animal during handling.

Secondary enclosure means a structure such as a fence, wall or building, which entirely encloses the area in which the primary enclosures, exercise facilities and training facilities are located and all handling activities occur. Such secondary enclosure serves to contain a wild animal from running at large and to prevent any unauthorized public access.

Structure means anything constructed or erected, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground, such as a fence, wall, or building.

The keeping of wild animals means possessing and handling of wild animals on any property and providing such an animal with the necessities of life such as feeding and sheltering. The keeping of wild animals may include animals being used or intended to be used for research, training, breeding, boarding, as a personal pet, or for agricultural purposes. The keeping of a wild animal may also include wild animals intended to be used for exhibition providing that such animals are not exhibited within the city, such as in the case of a public showing, circus or zoo.

Wild animal.

- (1) The term "wild animal" means a mammal, large or poisonous reptile and bird that, in their uncaptured wild state, have the physical capacity to be dangerous to the safety and welfare of any person or property. Examples of such wild animals are (but not limited to these examples) bears, lions, wolves, coyotes, cougars, bison, tigers, panthers, monkeys, apes, large alligators and crocodiles (greater than four feet in length), large snakes (greater than six feet), and poisonous snakes, excluding dogs, cats, other traditional house pets and livestock.
- (2) Reducing such mammals, reptiles and birds to captivity, whether trained, raised or bred in captivity or otherwise considered domesticated in any manner, shall not remove such wild animals from these requirements and regulations.

(Code 1978, § 5.09.06, subd. 2; Ord. No. 87-08)

Sec. 10-120. - Penalty.

A person who fails to comply with or violates provisions of this Code or the restrictions of a conditional use permit, ~~wild animal license~~ or variance shall be guilty of a misdemeanor. Appropriate actions and proceedings may be taken by law or inequity to prevent a violation of this article of the conditions or restrictions of a conditional use permit, ~~wild animal license~~ or variance, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation, and to prevent illegal use of a lot; these remedies shall be in addition to the penalties described in this section.

(Code 1978, § 5.09.06, subd. 10; Ord. No. 87-08)

Sec. 10-121. - Purpose and intent.

It is the intent of this article to establish regulations that will allow as a conditional use the keeping of wild animals, with a ~~wild animal license~~ conditional use permit in certain zoning districts. The city recognizes that wild animals require special handling to ensure that the health, safety and welfare of the public is protected and all land use conflicts are minimized.

(Code 1978, § 5.09.06, subd. 1; Ord. No. 87-08)

Sec. 10-122. - Enforcement.

- (a) *Impoundment.* In addition to the penalties imposed in section 10-120, a person in violation of this article may be subject to having the wild animals in question impounded, or destroyed. Owners in violation of this article will have ten days to correct the violation and redeem a wild animal. The owner is responsible for all costs incurred by the city to capture, keep and/or destroy a wild animal. If a wild animal is not redeemed, the city will dispose of such wild animal in any manner it deems necessary such as, but not limited to, selling, destroying, or donating to an appropriate organization or agency.
- (b) *Rabies.* A wild animal capable of transmitting rabies which has been known to have bitten a person shall be quarantined and observed for rabies under the direction of a licensed veterinarian for a period of time and in facilities determined to be adequate by that veterinarian and the city. If a wild animal is proven to be rabid, the wild animal shall be destroyed. If a wild animal is proven to not be rabid by a licensed veterinarian, it will be returned to the owner.
- (c) *Enforcement authority.* Enforcement officers shall have the right to destroy a wild animal posing an immediate threat of serious harm to any person, livestock or house pet.

(Code 1978, § 5.09.06, subd. 9; Ord. No. 87-08)

Sec. 10-123. - Inspection and revocation of ~~licenses or variances~~ conditional use permit.

The city may at any time inspect the lot and structures where a wild animal is kept to determine if the ~~license and/or variance~~ conditional use permit, and the conditions and restrictions of that ~~license or variance~~ conditional use permit are being strictly adhered to. The city may require an inspection upon ~~renewal of a wild animal license~~ reasonable request and shall reserve the right to have said inspection performed by an approved and qualified consultant.

(Code 1978, § 5.09.06, subd. 7; Ord. No. 87-08)

Sec. 10-124. - Nonconforming uses.

A person lawfully keeping wild animals within the city upon the effective date of the adoption of the ordinance from which this article is derived, who does not conform to the provisions of this article, shall be given 30 days to comply or submit application for the necessary ~~variances~~ permits.

(Code 1978, § 5.09.06, subd. 8; Ord. No. 87-08)

Sec. 10-125. - ~~Variances~~.

(a) *Variance and review criteria.* Where the city finds that extraordinary hardships or practical difficulties may result from strict compliance with the provisions of this article, and the purposes of this article may be served to the same or greater extent by an alternative proposal, the city may approve variances to this article so that substantial justice may be done and the public interest secured, provided that:

- (1) Such a variance shall not have the effect of nullifying the intent and purpose of this article; and
- (2) The city shall not approve variances unless, based upon the evidence presented to it, it finds that:
 - a. The granting of the variance would not be detrimental to the public safety, health, or welfare or injurious to property.
 - b. The conditions that a variance would be based upon are unique to that application for which the variance is sought and are not applicable generally to other applications.
 - c. The strict enforcement of this article would result in unreasonable and unnecessary requirements or restrictions because a particular hardship would result, as distinguished from an inconvenience.
 - d. The variance would not in any manner vary the provisions of the Ramsey Comprehensive Plan.

(b) *Application and review.*

- (1) The application procedure for a variance from this article shall be the same as ~~for a wild animal license~~, section 10-128(b) through (d).
- (2) Variances may be reviewed concurrently with an application for a ~~wild animal license~~ conditional use permit.

(c) *Conditions of approval.* In approving an application for a variance, the city may attach conditions and restrictions as it finds necessary.

(Code 1978, § 5.09.06, subd. 5; Ord. No. 87-08)

Sec. 10-126. - Fees.

The applicant for a ~~wild animal license~~ conditional use permit and/or variance shall pay an application fee as per ordinance. The applicant shall also pay for any costs or expenses incurred by the city during the processing and reviewing of the application, which exceed the application fee. Such expenses shall include, but are not limited to, consultants and other professionals and the cost of printing, mailing, and supplies. Such fees shall become due and payable immediately upon notification by the city. The city shall provide

Commented [TG9]: This does not change any existing policy. The language here seems to conflict with the purpose and intent section requiring a conditional use permit. The City does not currently issue a license for wild animals; it is processed by Conditional Use Permit.

Commented [TG10]: This section would only apply if the Owner desires to deviate Section 10-128 below.

upon the request of the applicant, a breakdown of the various expenses incurred by the city. The city may withhold any final action on an application for a wild animal license conditional use permit or variance and/or rescind prior actions until all fees are fully paid. The city may require additional deposits, above and beyond the application fee, if found necessary.

(Code 1978, § 5.09.06, subd. 6; Ord. No. 87-08)

Sec. 10-127. - General regulations.

- (a) *Prohibition.* No person shall keep a wild animal unless such a use is specifically permitted by this article and all regulations are satisfied.
- (b) *Regulations.*
 - (1) Enclosures.
 - a. A wild animal shall be confined, sheltered and led in a primary enclosure contained entirely within a secondary enclosure.
 - b. All primary and secondary enclosures shall meet minimum requirements of structural soundness and security as deemed satisfactory by the city. All primary and secondary enclosures;
 - 1. Shall be constructed of steel bar, link, wire or other suitable material of sufficient strength to contain the proposed animal;
 - 2. Shall be adequately braced and securely anchored at ground level;
 - 3. Shall be constructed such as to prevent a wild animal from digging out from under the enclosure;
 - 4. Shall be key or combination locked to prevent unauthorized entrance;
 - 5. Shall be located so that all access to primary enclosures must be from within the secondary enclosure;
 - 6. Shall be adequately signed to notify the public of the presence of wild animals and the danger that exists.
 - (2) The transportation of a wild animal outside of the secondary enclosure shall be in a vehicle specially equipped for the transportation of wild animals and a portable primary enclosure as approved by the city.
 - (3) Running at large.
 - a. It shall be prohibited for a wild animal to run at large.
 - b. A wild animal shall be under the restraint of its owner.
 - c. Tools for capturing wild animals shall be readily accessible, such as traps, firearms, tranquilizing guns and nets.
 - (4) Sanitation and health.
 - a. The lot on which a wild animal is kept shall be maintained in a clean, sanitary and neat manner in accordance with the conditions of the permit.
 - b. A wild animal shall be maintained in a healthy state so as to prevent the transmittal of disease to other animals or persons.
 - c. All animal waste shall be properly and timely disposed of in accordance with the conditions of the permit.
 - (5) Zoning and lot requirements.
 - a. All zoning code regulations shall be complied with.

- b. Additional regulations shall be as follows:
1. The keeping of wild animals shall be allowed only as a conditional use in any zoning district of the city.
 2. The lot on which a wild animal as defined herein is kept shall be at least 2½ acres in size.
 3. The structures, primary and secondary enclosures and all uses associated with the handling of wild animals, shall be set back a minimum of 100 feet front yard; 30 feet side yard and 50 feet rear yard.
 4. The structures, primary and secondary enclosures and all areas in which a wild animal is handled shall be located a minimum of 300 feet from all dwellings other than that of the owner.
 5. The activity areas in which a wild animal is handled shall be screened or landscaped in such a manner as to prevent them from being visible at any time of the year from the road right-of-way, and public properties.

(Code 1978, § 5.09.06, subd. 3; Ord. No. 87-08)

Sec. 10-128. ~~License~~Conditional Use Permit for wild animals.

- (a) *Prohibition.* No person shall keep a wild animal unless a wild animal license conditional use permit has been approved by the city for that person and that activity, in accordance with this article.
- (b) *Submittal of application.* Complete application for a wild animal license conditional use permit shall include the following:
 - (1) ~~Ten copies~~One (1) copy of the completed application form.
 - (2) ~~Ten copies~~One (1) copy of a letter explaining in detail the proposed use and addressing regulations in section 10-127, and review criteria in this section.
 - (3) ~~Ten copies~~One (1) copy of an accurate site plan (drawn to scale) or survey of the lot on which the proposed use would occur and the adjacent lots showing:
 - a. Lot dimensions;
 - b. Location, size and configuration of the area proposed to be used for the keeping of wild animals, including all existing and proposed buildings, structures, and enclosures;
 - c. Setbacks from front lot line, side lot lines, and rear lot line, and distances from neighboring dwellings, pastures, barns, and corrals;
 - d. Vegetation and terrain features such as steep slopes, wetlands, woods and any natural and proposed screening or landscaping;
 - e. Driveways, public and private roadways, parking and loading areas;
 - f. Easements for roads, access, open space, views, and utilities; and
 - g. Location of well and septic.

The city reserves the right to require a certificate of survey.
 - (4) ~~Two copies~~One (1) copy of all permits required from the state department of natural resources, United States Department of Agriculture, United States Fish and Wildlife, and other governmental agency.
 - (5) ~~Two copies~~One (1) copy of the owner's qualifications, list of professional references and any other background materials as required by the zoning administrator.
 - (6) Payment of application fee and miscellaneous fees as established by ordinance.

Commented [TG11]: City is able to reduce paper copy submittal requirements with current electronic systems.

- (7) ~~Two copies~~ One (1) copy of building plans for primary and secondary enclosures.
- (8) Any additional information found necessary by the city zoning administrator.
- (c) *Application deadline.* A completed application for a ~~wild animal license~~ conditional use permit shall be submitted no later than ~~49~~ thirty (30) days before the next regularly scheduled planning commission meeting.
- (d) *Review of council and planning commission.*
 - (1) Upon submittal of a completed application, the zoning administrator shall schedule a public hearing at the next planning commission meeting. The police chief shall receive a copy of the application and forward any recommendations to the zoning administrator who shall then review the application and police comments and may make recommendations to the planning commission. The planning commission shall consider the application for a ~~wild animal license~~ conditional use permit and thereafter make recommendations to the council. The council shall then approve, with modifications, or deny the application for a ~~wild animal license~~ conditional use permit by resolution that shall set forth in detail any conditions and restrictions to which the approval is subject or reasons for denial.
 - ~~(2) If a renewal of a wild animal license is being applied for with no changes from the wild animal license issued by the city for the previous year, the zoning administrator may place the application for the renewal of a wild animal license on the agenda of the next council meeting and may waive the need for a public hearing or review by the planning commission.~~
- (e) *Review criteria.* In acting upon an application for a ~~wild animal license~~ conditional use permit, the city shall consider the following criteria:
 - (1) Surrounding land uses.
 - (2) Structural soundness and security of all primary and secondary enclosures.
 - (3) Design, size, location and configuration of all primary and secondary enclosures.
 - (4) Maintenance of the primary and secondary enclosures and all other structures and areas used in relation to the keeping of any wild animal.
 - (5) Nuisances such as noise and odors.
 - (6) Aesthetics, including the appearance of the lot and structure where a wild animal is kept.
 - (7) Compliance with all sections of this Code.
 - (8) Regulations of the state department of natural resources, United States Department of Agriculture, United States Fish and Wildlife, or any other governmental agency.
 - (9) Nature and characteristics of each type of animal being proposed such as its size, strength, disposition, and its ability to harm a person or property.
 - (10) Other criteria found relevant by the city.

Commented [TG12]: This section is not needed. Conditional Use Permits run with the land and do not require renewal.

The applicant shall prove that the use as proposed in the ~~wild animal license~~ conditional use permit application would not result in any detrimental effects as per the criteria listed in this subsection (e).

- (f) *Conditions of approval.* In approving an application for a ~~wild animal license~~ conditional use permit, the city may attach conditions and restrictions as it finds necessary, including but not limited to the following:
 - (1) Restrictions on the number and type of animals.
 - (2) Setbacks greater than those required in section 10-127
 - (3) Minimum and/or maximum distance between primary and secondary enclosures.
 - (4) Minimum height of enclosures.

(5) Size of the enclosures.

- (g) ~~Expiration. A conditional use permit shall remain in effect as long as the conditions agreed upon are observed and the permit holder is in compliance with all other regulations or standards of this chapter. The wild animal license shall expire 12 months from the date of issuance.~~
- (h) ~~Renewal of license. Application for renewal of a wild animal license with any changes shall be made a minimum of 19 days before the next regularly scheduled planning commission meeting. Application for renewal with no changes shall be made 14 days before the next regularly scheduled council meeting providing that the public hearing and review before the planning commission has been waived. The city may require an inspection upon renewal of a wild animal license and shall reserve the right to have said inspection performed by an approved qualified consultant.~~

(Code 1978, § 5.09.06, subd. 4; Ord. No. 87-08)

Commented [TG13]: Conditional Use Permits do not require a renewal, therefore this section is not necessary.