

Chapter 10 ANIMALS¹

ARTICLE I. IN GENERAL

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

(a) *Prohibited animals.*

- (1) The following animals are prohibited within the city:
 - a. Any animal or species prohibited by state or federal law.
 - b. All large cats of the family felidae, such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated house cats.
 - c. All members of the family canidae, such as wolves, foxes, coyotes, dingoes and jackals, except domesticated dogs.
 - d. All poisonous animals, including snakes; that upon touch or bite may cause hallucinations, alter cardiopulmonary functions, or even death.
 - e. Dangerous farm type animals, including bison, emus, and ostrich, except with a non-traditional animal license.
 - f. All other animals which are not listed explicitly above, but which can be easily defined in this chapter as an exotic animal, including bears, wolverines, and badgers.
- (2) Persons keeping animals for a public zoo as volunteers, docents, or otherwise, any bona fide research institution or veterinary hospital are exempt from the provisions of this chapter, provided protective devices adequate to prevent such animals from escaping or injuring the public are provided.

(b) *Non-domestic animals.*

- (1) The schedule referred to in subsection (b)(1) of this section shall be used in the following manner:
 - a. The types of non-domestic animals kept or maintained shall be limited to those listed on the schedule.
 - b. The maximum number of animal units allowed, excluding domestic animals, for a specific acreage of land shall be determined by the following formula:

Maximum number of animal units allowed = Number of acres rounded down to the nearest quarter (.25) acre(s):

¹Editor's note(s)—Ord. No. 15-12, § 2, adopted July 14, 2015, amended chapter 10 in its entirety to read as herein set out. Former chapter 10, §§ 10-1, 10-2, 10-23, 10-24, 10-52—10-70, 10-95 and 10-119—10-128, pertained to similar material. See the Code Comparative Table for the chapter's history.

State law reference(s)—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.

<i>Permitted Animal Types</i>	<i>Assigned Animal Unit Values</i>	<i>Minimum Acreage Required</i>
Cattle family except Bison	1 head = 1 unit	2.5 acres
Llama/Alpaca family	1 head = 1 unit	2.5 acres
Swine family	2 head = 1 unit	2.5 acres
Sheep/Goat family	2 head = 1 unit	0.50 acres
Poultry/Fowl families (chicken, duck)	25 head = 1 unit	No minimum
Poultry/Fowl families (turkey, goose)	8 head = 1 unit	2.5 acres
Horse/Mule family	See section 10-1(4)c.	1.5 acres
Animal units not addressed in this table will be determined by the City at the time of Non-Traditional Animal License consideration.		

- (2) Poultry/fowl shall be subject to the following:
- a. Poultry/fowl are defined as chickens, turkeys, geese, ducks, or similar.
 - b. Poultry/fowl must be provided an enclosure in accordance with City Code chapter 117, article II (Zoning) and Minnesota 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. Poultry/fowl may not run at large.
 - c. Poultry/fowl, including any shelters, coops and/or containment fencing, must be located in side or rear yards only.
 - d. 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. The enclosure shall remain completely enclosed to prevent unwanted intrusion by outside animals and migratory birds.
 2. 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.
 - e. Roosters may be kept and maintained only on parcels of at least two and one-half acres in size. Said properties are allowed a total of two roosters.
 1. Setbacks for rooster enclosure and exercise area shall be 50 feet from any neighboring place of human habitation and 75 feet from neighboring property lines.
- (3) Cattle, and swine families shall be subject to the following:
- a. Cattle, llama/alpaca, and swine families may be kept and maintained only on parcels of at least two and one-half acres in size.
 - b. Sheep/goats may be kept and maintained on parcels of at least one-half acre in size.
 - c. Barns and stables subject to section 10-3.
- (4) 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 one and one-half acres in size;
 2. To require the filing with the city of a sketch drawing prior to maintaining a horse; and
 3. To ensure proper handling, treatment and maintenance of horses.
- 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. The lease of property contiguous to the lot of record is eligible to meet acreage requirements provided the lot of record is at least one and one-half 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—3.0 acres	2	Sketch drawing required in property file.
Over 3 acres	2+	One additional horse for each full acre over 3 acres.

- d. Sketch drawing required 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.
 1. Required sketch drawing information shall include:
 - i. 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.
 - ii. Legal description of subject property.
 - iii. Acreage of subject property and acreage of enclosed roaming area.
 - iv. Number of horses to be maintained on subject property.
 - v. Sketch drawing showing, to scale:
 - (A) Location of all buildings on subject property;
 - (B) Fenced in horse pasture area;
 - (C) Location and distance from subject property of all adjacent property's buildings; and
 - (D) 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.
- e. 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

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- 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.
- f. 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.
- g. 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.

(5) Beekeeping. Bee hives may be maintained on a parcel with the issuance of a zoning permit.

- a. Hives may only be located on lots with an existing use.
- b. The number of allowed hives shall be based on property size:

Lot Size	Number of Hives
0.25 acres or less	Up to 4 hives
0.25—0.99 acres	Up to 8 hives
1.00—1.99 acres	Up to 20 hives
2.00—3.99 acres	Up to 40 hives
4 acres or larger	Up to 40+ hives

(Up to 5 frame Nucleus colonies do not have quantity limits.)

- c. No hive shall exceed 20 cubic feet in volume.
- d. No hive shall be located closer than three feet from any property line or within any easement, whichever is more restrictive.
- e. No hive shall be located closer than ten feet from a neighboring, inhabited structure.
- f. A constant supply of water shall be supplied or available to all hives.
- g. 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.
- h. Colonies shall be maintained in moveable frame hives with adequate space and management techniques to prevent overcrowding and swarming.

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- i. 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.
 - j. Beekeeping zoning permit process.
 - 1. *Application.* The application for a zoning permit 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 bee hives will be maintained include how the owner will demonstrate compliance with the standards of this section.
 - 2. *Processing application.* The application must be filed with the zoning administrator together with the permit fee.
 - 3. *Term and transfer.* The zoning permit shall be valid without renewal provided that the applicant complies with the terms of the zoning permit. Zoning permits 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: Any violation of this Code; material misstatement or misrepresentation in application for permit or renewal thereof; failure to keep the permittee's premises in an orderly, aesthetically pleasing manner as prescribed by the council and/or its designated representative; failure to comply with the terms of the permit.
- (6) Non-traditional animal license.
- a. 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 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 non-traditional animal license.
 - b. 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:
 - 1. Restrictions on the number and type of animals;
 - 2. Setbacks greater than those required in section 10-23 or the underlying zoning district for the property in question;
 - 3. Restrictions on the size, height, and type of enclosures;
 - 4. Screening or landscaping of the proposed use.
 - c. The applicant must also submit a copy of all permits required from any other regulatory agencies.
 - d. 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, 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.
 - 2. *Processing application.* The application must be filed with the zoning administrator together with the permit fee 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 comment period 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: 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; failure to comply with the terms of the license.

(7) Miscellaneous maintenance standards.

- a. On all parcels of land maintaining non-domestic animals, there shall be a roofed or covered structure with walls to protect the animals from the elements.
- b. 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. Chickens are exempt from fencing requirements.
- c. Manure shall be handled and treated in such a manner so as not to create a public nuisance or impact the environment or groundwater. Corrals, pens, stables, and similar enclosures shall be maintained in a manner to minimize fly breeding. No person shall leave accumulations of manure on any street or sidewalk.
- d. No non-domestic animal shall be treated cruelly or inhumanely by any person or in violation of state statutes preventing cruelty to animals.
- e. 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.

(c) *Domestic animals.*

(1) Domestic animals are classified as:

- a. Domestic dogs (excluding hybrids with wolves, coyotes or jackals);
 1. Domestic dogs are limited to four without a private kennel license;
 2. Domestic dogs shall be provided an enclosure protected from inclement weather during the winter months (November—March);
- b. Domestic cats (excluding hybrids with ocelots or margays);
- c. Rodents, such as hamsters, mice, gerbils, white rats, guinea pigs, chinchillas or hedgehogs, capable of being maintained continuously in a cage;
- d. Rabbits;
- e. Captive-bred species of common cage birds;
- f. Small non-venomous snakes;
- g. Non-poisonous lizards, iguanas, chameleons, salamanders and turtles or other similar small reptiles, unless prohibited by state or federal law;
- h. Fish, unless prohibited by state or federal law;

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- i. Domestically raised ferrets (must be vaccinated yearly);
 - j. Domestically raised pot-bellied pigs.
- (2) Domestic animals shall be up to date on vaccines.
- (3) Domestic animals are permitted in all residential districts.

(Ord. No. 15-12, § 2, 7-14-2015; Ord. No. 22-03 , § 2, 2-8-2022)

Sec. 10-2. Animals at large.

No person shall allow any animal of any type to run at large.

- (1) The term "at large" means an animal that is off the premises of the owner and is:
- a. Not on a leash held by a responsible person; or
 - b. Not accompanied by and under the direct control of a responsible person so as to be effectively restrained by command.
- (2) An animal shall not be determined to be at large if it is:
- a. Engaged in wild game or animal hunting and under the control of its owner or a responsible person;
 - b. Engaged in obedience training and under the control of its owner or a responsible person; or
 - c. Running loose on the owner's property, or property under the owner's control and under the control of a responsible party.
- (3) If the animal is running loose on the owner's property and runs onto adjacent public or private properties and does not respond to a person, then the animal is considered at large.

(Ord. No. 15-12, § 2, 7-14-2015; Ord. No. 22-03 , § 2, 2-8-2022)

Sec. 10-3. Barns and stables.

- (a) No stable or barn in which cows, horses, roosters, or other animals are kept may be located within 50 feet of a place of human habitation and 75 feet from 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.

(Ord. No. 15-12, § 2, 7-14-2015; Ord. No. 22-03 , § 2, 2-8-2022)

Secs. 10-4—10-51. Reserved.

ARTICLE II. DOGS²

DIVISION 1. GENERALLY

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.

²Ord. No. 22-03 , § 2, adopted February 8, 2022, repealed the former article II, § 10-24, and renumbered articles III and IV as articles II and III. The former article II pertained to horses and derived from Ord. No. 15-12, adopted July 14, 2015.

State law reference(s)—Dogs and cats, Minn. Stats. ch. 347.

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:

- (1) When unprovoked, inflicts bites on a human or domestic animal on public or private property.
- (2) 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.
- (3) 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:

- (1) Effectively contained on private property;
- (2) Effectively restrained, by chain or leash, to private property with the consent of the property owner;
- (3) Effectively restrained by a chain or leash not to exceed six feet in length; or
- (4) 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. 15-12, § 2, 7-14-2015)

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. 15-12, § 2, 7-14-2015)

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

The animal control officer shall perform the following duties:

- (1) Seize, impound, or restrain any dog found running at large within the city.
- (2) 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.
- (3) Enforce all other provisions of this article.

(Ord. No. 15-12, § 2, 7-14-2015)

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. 15-12, § 2, 7-14-2015)

Sec. 10-56. Number of dogs permitted.

- (a) 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 private kennel license is required for four or more dogs.
- (b) *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 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 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;
 - d. Failure to comply with the terms of the license.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-57. Reserved.

Ord. No. 21-08 , § 3, adopted February 23, 2021, repealed § 10-57, which pertained to individual dog licensing and derived from Ord. No. 15-12, adopted July 14, 2015.

Sec. 10-58. Tags.

All dogs in public spaces shall have an identification tag with owner or veterinarian contact information affixed to the dog collar. In lieu of a physical tag, a microchip embedded in the dog with the same information is sufficient for identification.

(Ord. No. 15-12, § 2, 7-14-2015; Ord. No. 21-08, § 3, 2-23-2021)

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. 15-12, § 2, 7-14-2015)

Sec. 10-60. Animal at large.

[a.](#) 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.

[b.](#) It is unlawful for any diseased animal to run at large.

[c.](#) All animals must be in the care and control of their owner.

(Ord. No. 15-12, § 2, 7-14-2015)

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. 15-12, § 2, 7-14-2015)

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. 15-12, § 2, 7-14-2015)

Sec. 10-63. Abandonment.

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

(Ord. No. 15-12, § 2, 7-14-2015)

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. 15-12, § 2, 7-14-2015)

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. 15-12, § 2, 7-14-2015)

Sec. 10-65.1. 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 public 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

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- (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. 15-12, § 2, 7-14-2015; Ord. No. 21-08, § 3, 2-23-2021)

Editor's note(s)—Ord. No. 15-12, § 2, adopted July 14, 2015, set out provisions intended for use as § 10-65. For purposes of classification, and at the editor's discretion, these provisions have been included as § 10-65.1.

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 provision 1 of the notice, until the hearing examiner issues an opinion. To appeal the dangerous or potentially dangerous dog declaration:

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) 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. 15-12, § 2, 7-14-2015)

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.

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- (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. 15-12, § 2, 7-14-2015)

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. 15-12, § 2, 7-14-2015)

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. 15-12, § 2, 7-14-2015)

Sec. 10-70. Removal of excrement, [manure, and carcasses.](#)

- [a.](#) 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. 15-12, § 2, 7-14-2015)

- [b.](#) [It is unlawful for any person who owns or has custody of a dog to cause or permit accumulations of Manure and animal excrement, except that any manure maintained in conformance with State Law and City Code for use as fertilizer.](#)

- [c.](#) [It is unlawful for any person who owns or has custody of a dog to cause or permit carcasses of animals not buried at least three feet deep or destroyed within 24 hours after death.](#)

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.

(Ord. No. 15-12, § 2, 7-14-2015)

Secs. 10-96—10-118. Reserved.

ARTICLE III. WILD ANIMALS³

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.

³Editor's note(s)—See editor's note at article II.

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 large or dangerous species 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.

(Ord. No. 15-12, § 2, 7-14-2015)

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 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 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.

(Ord. No. 15-12, § 2, 7-14-2015)

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 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.

(Ord. No. 15-12, § 2, 7-14-2015)

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.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-123. Inspection and revocation of conditional use permit.

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

(Ord. No. 15-12, § 2, 7-14-2015)

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 permits.

(Ord. No. 15-12, § 2, 7-14-2015)

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 section 10-128(b) through (d).
- (2) Variances may be reviewed concurrently with an application for a 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.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-126. Fees.

The applicant for a 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 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 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.

(Ord. No. 15-12, § 2, 7-14-2015)

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.

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- 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 two and one-half 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.

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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.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-128. Conditional use permit for wild animals.

- (a) *Prohibition.* No person shall keep a wild animal unless a 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 conditional use permit shall include the following:
 - (1) One copy of the completed application form.
 - (2) One copy of a letter explaining in detail the proposed use and addressing regulations in section 10-127, and review criteria in this section.
 - (3) One 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) One 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) One 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.
 - (7) One 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 conditional use permit shall be submitted no later than 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 conditional use permit and thereafter make recommendations to the council. The council shall then approve, with modifications, or deny the application for a 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.

- (e) *Review criteria.* In acting upon an application for a 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.

The applicant shall prove that the use as proposed in the 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 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.

(Ord. No. 15-12, § 2, 7-14-2015)