

SECTION 26

ANIMALS

Section

20-26-1:	General Regulations
20-26-2:	Domestic Animals
20-26-3:	Dog Kennels and Cat Shelters
20-26-4:	Farm Animals
20-26-5:	Commercial Stables
20-26-6:	Animals Other than Farm or Domestic

20-26-1: **GENERAL REGULATIONS:**

- A. The size, number, species, facilities for and location of animals kept shall be maintained so as not to cause a nuisance or endanger the health, safety, or general welfare of the community and shall be in compliance with this Chapter and all other applicable provisions of the City Code.
- B. Animals may only be kept for commercial purposes if such activities are authorized in the zoning district where the animals are to be located.
- C. Facilities for housing animal(s) shall be:
 - 1. Constructed of such material as is appropriate for the animal(s) involved.
 - 2. Maintained in good repair.
 - 3. Controlled as to temperature, ventilated and lighted compatible with the health and comfort of the animal(s).
 - 4. Of sufficient size to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition of debility, stress or abnormal behavior patterns.
 - 5. Cleaned as often as necessary to prevent contamination of the animal(s) contained therein and to minimize disease hazards and reduce odors.
 - 6. Subject to approval of a building permit by the City Building Official.
- D. Animals kept in pet shops or kennels shall be kept in accordance with regulations for pet shops and kennels in addition to the regulations provided by this Chapter.

20-26-2: **DOMESTIC ANIMALS:** The keeping of domestic animals is an allowed use in all zoning districts, as defined in Section 50 of this Chapter.

20-26-3: **DOG KENNELS AND CAT SHELTERS:**

- A. No person shall maintain or operate any kennel or shelter without a license as regulated by the City Code.
- B. A minimum lot size of one (1) acre is required to be licensed for operation of a kennel or shelter.
- C. Every kennel or shelter shall be enclosed or fenced in such manner as to prevent the running at large or escape of animals confined therein.
- D. Both dog kennels or cat shelters shall be open for inspection by the City authorities at any time.
- E. It shall be unlawful for any person to own or keep three (3) or more dogs and/or cats over six (6) months of age on his/her premises in the City without obtaining a kennel license pursuant to this Section and the City Code.

20-26-4: **FARM ANIMALS:**

A. The keeping and maintaining of farm animals, including livestock and horses, shall be an allowed use within the A-1 Zoning District and on sites qualifying as farms in all other zoning districts.

41/28

B. The keeping and maintaining of farm animals, including livestock and horses, shall be allowed by administrative permit in the A-2 District and by conditional use permit in the R-C Zoning District, provided:

- 1. The applicable provisions of Section 20-4-2.F or 20-8-2.D of this Chapter are considered and determined to be satisfied.
- 2. The minimum lot size upon which animals are to be located shall be two and one-half (2 ½) acres.
- 3. Farm animals may not be confined in a pen, feedlot, or building within two hundred (200) feet of any Residential District, other than an R-C District, established by Section 50 of this Chapter property line not owned or leased by the operator.
- 4. The keeping and care of animals is provided as regulated by the City Code.

5. The density per acre of farm animals specifically allowed must not exceed the maximum densities, as specified below, unless permitted by conditional use permit:

<u>Animals</u>	<u>Number/Acre</u>
a. Cattle, horses mules, donkeys	1
b. Goats, sheep	5
c. Swine	10
d. Turkeys, ducks, geese	25
e. Chickens, rabbits, guinea pigs, hamsters, pigeons	50

6. A shelter or stabling facility shall provide a minimum of one hundred (100) square feet per acre of enclosed area per animal, or fractions thereof, as based upon the number of animals per acre listed above (example: 100 square feet divided by five goats/acre = 20 square feet of enclosed area per goat).

- 17 C. Manure application and stockpiling activities shall comply with the provisions of Section 20-27-8 of this Chapter.
- D. No manure or waste shall be deposited, stored, kept, or allowed to remain in or upon any site without reasonable safeguards adequate to prevent the escape or movement of such manure, waste, or a solution thereof from the site which may result in pollution of any public waters or any health hazard.
- 17 E. All regulations imposed by the Minnesota Pollution Control Agency relating to the keeping of farm animals shall be adhered to and animal feedlots shall comply with the applicable provisions of Section 27 of this Chapter.
- 22 F. The keeping and maintaining of horses shall be allowed by interim use permit in the R-1 and R-2 Zoning Districts, provided:
1. The provisions of Section 35 of this Chapter are considered and determined to be satisfied.
 2. The lot lies within the City's Rural Service Area, the boundaries of which are defined within the City's Comprehensive Plan.
 3. The minimum lot size upon which the horses are to be located shall be two and one-half (2.5) acres.
 4. The horses are not confined in a pen, feedlot, or building within two hundred (200) feet of any R-3, Residential District property line not owned or leased by the operator.

5. The keeping and care of horses is provided as regulated by the City Code.
6. The density of horses does not exceed one (1) horse per acre.
7. A shelter or stabling facility shall provide a minimum of one hundred (100) square feet of enclosed area per horse.

59

G. The keeping and maintaining of chickens, pheasants, doves, pigeons and similar small fowl shall be allowed in all residential districts by issuance of a fowl keeping license, subject to compliance with the following standards:

1. The number of fowl allowed per property shall be equivalent to 0.1 animal units per acre.
2. The keeping of roosters, male peacocks and water fowl shall be prohibited.
3. The fowl must be housed within an enclosed accessory building and fenced outdoor yard that conforms to the accessory building provisions applicable to the district in which they are kept.
4. The accessory building containing the fowl must be within a rear yard and shall be subject to the required setbacks for principal buildings within the respective zoning district with the additional stipulation that the side yard setbacks must be double those required for principal buildings.
5. The keeping and care of such fowl is provided as regulated by the City Code.
6. The owner/keeper of the fowl shall control the animal manure and dispose of it properly.
7. If eggs are harvested, they shall not be offered for sale from the premises.
8. The fowl keeping license shall apply only to the named applicant, shall not run with the land, and may not be transferred. It shall automatically terminate upon the vacation of the property by the applicant.
9. The fee for the fowl keeping license shall be as set forth by Section 2-4-2.H of the City Code.

20-26-5: **COMMERCIAL STABLES:**

- A. Commercial stables (operations involving the boarding and care of two (2) or more horses not belonging to the property owner or tenant) shall be allowed only in the City's A-1 Zoning District by conditional use permit.
- B. The minimum lot size for a commercial stable shall be ten (10) acres.
- C. The density of equine allowed on a commercial riding stable shall be in accordance with Section 20-26-4.
- 17 D. Manure and other waste materials shall be removed and distributed so as to eliminate unsightly odors, insect, and rodent problems or any condition which otherwise operates as a public or private nuisance. The storage of manure and other waste materials shall be in compliance with Section 27 of this Chapter.
- E. All areas designated for equine sheltering shall be located at least two hundred (200) feet from the property line. Any agricultural building or shelter which was being used in a commercial stable prior to the effective date of this Section is not required to comply with the requirements of this subparagraph, provided, however, that such agricultural building or shelter does not constitute a public nuisance as determined by the City Council.
- F. Fences as regulated by Section 20-16-6 of this Chapter shall be constructed and maintained so as to adequately and safely contain equine at all times.
- G. One agricultural building upon the commercial stable property shall be permitted to contain no more than one caretaker's unit, subject to a demonstrated need and to the approval of a conditional use permit as regulated by Section 4 of this Chapter.
- H. All equine shall be provided shelter sufficient to protect against potentially injurious weather. All such shelters shall be structurally sound, provide sufficient ventilation, and be maintained in good repair.
- I. Equine stalls shall provide sufficient space for the equine to lie or roll with a minimum danger of injury to itself. Stalls shall be cleaned and kept dry to the extent that the animal is not required to lie or stand in fluids. Bedding shall be provided in all stalls, kept reasonably clean, and periodically changed. The nature of the bedding shall not pose a health hazard to the animal.
- J. The Zoning Administrator shall inspect every commercial stable as frequently as the city may deem necessary to ensure compliance with the terms of this Section and any conditions of the license for such commercial stable. Any person who operates a commercial stable shall, upon request of the Zoning Administrator and/or City Building Official, permit access to all parts of the commercial stable for the purpose of inspection. The Zoning Administrator shall prepare a report of

every inspection of a commercial stable. A copy of such report shall be mailed to the person operating the commercial stable and forwarded to the City Council.

20-26-6: **ANIMALS OTHER THAN FARM OR DOMESTIC:**

A. Conditional Use Permit:

1. Other than may be herein exempted, any animal which does not qualify as a farm animal or domestic animal as defined in Section 2 of this Chapter shall require a conditional use permit prior to its being kept in the City.
2. Determination of acceptability shall include but not be limited to:
 - a. The potential health or safety hazard posed.
 - b. The provisions of Section 20-4-2.F are considered and determined to be satisfied.
3. Conditions and limitations governing other animals shall include but not be limited to:
 - a. Full compliance with State Statutes and federal regulations governing such species.
 - b. Provisions for the adequate and safe confinement of such animal, as may be warranted by the potential adverse impact upon neighboring properties and by safe consideration of the property residents and neighboring uses.
 - c. Adequate screening, noise, and visual controls as deemed necessary by the City Council to maintain compatibility and protect the health, safety, and general welfare of the public.
 - d. Additional requirements and limitations as may be deemed necessary by the City Council so as to insure compatibility and maintain the health, safety and general welfare of the public.

- B. Zoological Programs: Animals being kept as part of the Minnesota Zoological Gardens, St. Paul Como Zoo, or similar institutional teaching programs are an allowed use in all zoning districts. Before such animals are allowed, however, the participant in the program must notify the Zoning Administrator in writing of their participation in the program and identify the animal being kept and all details regarding the keeping of the animal as may be applicable.