

STATE OF MINNESOTA

COUNTY OF CHISAGO

CITY OF NORTH BRANCH

ORDINANCE NO. 301-20

AN ORDINANCE REGARDING THE REGULATION OF ANIMALS

THE CITY COUNCIL OF THE CITY OF NORTH BRANCH, MINNESOTA ORDAINS:

SECTION 1 REPEAL AND REPLACE

Chapter 6 is hereby repealed in its entirety and replaced with the following:

Chapter 6 ANIMALS

Sec. 6 - 1 Purpose

To protect the health, safety, and welfare of the citizens of North Branch, it shall be unlawful to keep animals on residential or agricultural properties except as permitted pursuant to the provisions of the Chapter and other relevant sections of the North Branch City Code.

Sec 6 - 2 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:

Adult animal means an animal six months of age or older.

Animal means any animal including dogs and cats unless designated otherwise.

Animal shelter means any premises designated by the city council for impounding and caring for all animals found running at large.

Cat shall be intended to mean both male and female.

Dog shall be intended to mean both male and females and shall include any animal of the dog kind.

Exotic animal means any mammal, amphibian, or reptile which is of a species which is wild by the nature or of a species which, due to size, vicious nature, or other characteristic, is inherently dangerous to human beings. *Exotic animals* include, but are not limited to:

- a) Any large cat of the family Felidae, such as lions, tigers, jaguars, leopards, cougars, and ocelots, except commonly accepted domesticated house cats.
- b) Any member of the family canidae, such as wolves, coyotes, dingos, and jackals, except domesticated dogs.
- c) Any crossbreed between dogs and coyotes, or dogs and wolves, but not including crossbred domesticated animals.
- d) Any poisonous snake such as a rattlesnake, coral snake, water moccasin, puff adder, or cobra.
- e) Any snake or reptile which by its size, vicious nature, or other characteristic, is dangerous to human beings.
- f) Any skunk, raccoon, fox, or ferret, unless certified by a veterinarian to be free of rabies, and kept pursuant to a valid DNR permit, said certification to be obtained within seven (7) days of receipt of the animal.
- g) Any bear, ape, gorilla, or badger.
- h) A monkey, unless the monkey is kept by a person with a disability as a helper.
- i) Any other animal or reptile which is commonly considered wild and not domesticated, excluding "wild horses".

Exposed to rabies means an animal that has been exposed to rabies within the meaning of this section, if it has been bitten by, or if it has been exposed to, any animal known to have been infected with rabies.

Animal Control officer means the person contracted by the city council as its enforcement officer.

Kennel, Commercial means any person, group of persons, or corporation engaged in the commercial business of breeding, buying, selling, or boarding dogs, cats or animals.

Kennel, Private means any person breeding and owning dogs, cats or animals for private enjoyment.

Livestock shall be defined as any animals (excluding rabbits, dogs, and cats) including farm animals, wild animals, and exotic or unusual animals, or any animal used for breeding purposes.

Neutered males means any male animal which has been operated upon to prevent conception.

Owner means any person, group of persons, or corporation owning, keeping, or harboring dogs, cats, or any other animals for three or more consecutive days.

Running at large means any animal which is not effectively restrained within a fenced area, or any animal which is permitted to be on any unfenced area or lot abutting upon a street, alley, public park, public place or upon any other private land without being effectively restrained from moving beyond such unfenced area or lot, or any animal which is permitted to be on any street, public park, school grounds, or public place without being effectively restrained by chain or leash not exceeding six feet in length, shall be deemed to be running at large.

Spayed females means any female animal which has been operated upon to prevent conception.

Sec. 6 – 10 Exotic Animals

To protect the health, safety, and welfare of the citizens of North Branch, it shall be unlawful to keep any exotic animals within the city limits. Any exotic animal kept in violation of this Ordinance may be impounded by the City unless such impounded animal is promptly removed from the City or unless the owner petitions the District Court for a determination that the animal is exempt from the provisions of this ordinance. If impounded, animals shall be confined in a humane manner for a period of not less than five (5) days exclusive of Sunday and holidays. If not claimed prior thereto by the owner, it shall thereafter become the property of the City and may be disposed of in a humane manner or placed in the custody of some other suitable person and/or entity. The owner may claim the animal by providing satisfactory assurance to the City that the animal will not be kept in violation of this ordinance. Immediately upon the impounding, every reasonable effort shall be made to notify the owner of such animal of the impoundment and the conditions whereby the owner may regain custody of the animal. Any oral notices shall *immediately* be confirmed in writing.

Sec. 6 - 11 Proper Care and Treatment of Animals

Every Owner shall provide every animal with sufficient food and water, proper shelter and protection from the weather as described in this section, and veterinary care as needed to prevent suffering and disease. Animals listed in the Animal Units table in Sec. 6 - 81, and other animals of any type with a typical adult weight exceeding 100 pounds, which graze, exercise, or are quartered outdoors, excluding dogs, shall be provided with an adequate outdoor area. An adequate outdoor area shall consist of at least two (2) acres of tillable land per Animal Unit (as set forth below at Sec. 6 - 81), enclosed to contain the animals, and freely available to the animals. No person shall beat, treat cruelly, torment or otherwise abuse any Animal, or cause or permit any Animal fighting. No Owner of any Animal shall abandon such Animal. If Animal has been impounded, and the Owner is notified in writing or in person of such impoundment, and refuses to get the Animal released or make arrangements with the shelter, he/she shall be charged with abandonment.

Shelters for dogs and cats shall consist of a structure that is moisture proof, wind proof and of suitable size to comfortably accommodate the Animal and allow retention of body heat. It shall be made of solid floor raised at least four (4) inches off the ground and with the entrance covered by a flexible wind proof material or a self-closing swinging door. It shall also have sufficient

quantity of suitable bedding material to provide insulation against the elements and to retain body heat. Domesticated farm animals shall be sheltered according to the generally accepted methods of animal husbandry.

Sec. 6 - 12 Hoarding of Animals

It shall be unlawful for any person possess animals in excess of the limits set forth in this chapter, or to collect animals and fail to provide them with proper care and treatment as described at Sec. 6 - 11 above, collect dead animals that are not properly disposed of as provided in Sec. 6 - 14 below, or collect, house or harbor animals in filthy, unsanitary conditions that constitute a health hazard to the animals being kept, and/or to the animals or residents of adjacent properties.

Sec 6 - 13 Animals At Large

No animals shall be permitted to run at large within the city limits. All animals caught running at large shall be reported to the police who shall in turn notify animal control.

Sec 6 - 14 Disposal Of Dead Animals

No person shall deposit, or cause to be deposited, the carcass of any dead animal on city property, or in the streets, roads, alleys, woods, waters, railroad right of way within the corporate limits of the city. Dead animals shall be disposed of in the manner approved by the Board of Animal Health and in accordance with Minn. Stat. Sec. 35.815.

Sec 6 - 15 Animals Fighting Prohibited

No person shall incite or cause any dogs, other animals or any chicken to fight within the city.

Sec 6 - 16 Interference

No person shall interfere with, hinder, or molest any agent of the city council in the performance of any duty of such agent, or seek to release any animal in the custody of the city council or its agents, except as herein provided.

Sec 6 - 20 Violation

Every person convicted of violating the provisions of this article shall be guilty of a misdemeanor.

Sec 6 - 30 Number Of Dogs, Cats and/or Rabbits

No person or persons shall keep more than three adult dogs, adult cats and/or adult rabbits, in total, at a premises in all zoning districts except Agriculture (AG) and Rural Residential (RR). Person or Persons living in the AG and RR District can keep more than three dogs, cats and/or rabbits upon the issuance of a kennel license.

Sec 6 - 31 Dog Licenses Required

No person shall own, keep, or harbor any adult dog within the city without a license. A license is required if the adult dog is owned, harbored, kept or maintained for three consecutive days or more, except that no license shall be required for adult dogs that are temporarily within the city for a period of time not exceeding thirty (30) days, or to adult dogs brought into the city for the purpose of participating in any dog show, or certified service animals properly trained to assist disabled or handicapped persons..

Sec 6 - 32 Dog License Application

Except as herein provided, within thirty (30) days of acquiring possession of a dog which has not been licensed by the City of North Branch, the owner of the dog shall make application for a dog license. Written application for dog licenses shall be made to the North Branch Police Department and shall state the name and address of the owner and the name, breed, color, age, and sex of the dog. The application must be accompanied by a certificate from a qualified licensed veterinarian certifying that the dog has been vaccinated against rabies on a date that is not more than 24 months prior to the expiration date of the license to be issued. The license fee shall be paid at the time of making application and a numbered receipt shall be given to the applicant. An applicant who has obtained a dog license shall notify the City of applicant's address change within the corporate limits of the City within thirty (30) days of the address change. If there is a change in ownership of a licensed dog, the new owner may have the current dog license transferred to his/her name upon application and the payment of a transfer fee of \$5.00 to the North Branch Police Department.

Sec 6 - 33 Dog License Fee

The city council from time to time shall establish by resolution the fee for issuance of an annual dog license. Yearly dog licenses shall expire December 31 each year. Life time dog licenses are valid for the life of the dog.

Sec 6 - 34 Dog Tag and Collar

Upon complying with Sec. 6 - 32, the North Branch Police Department shall issue to the applicant a numbered metallic tag stamped with the number and year issued and labeled "NORTH BRANCH DOG TAG." Owners are required to see that the tag is securely fastened to the dog's choker chain, collar, or harness of durable material which must be worn by the dog at all times. The fact that a dog is without a license attached to its collar shall be presumptive evidence that the dog is unlicensed. In the event that the metallic license tag issued for a dog becomes lost, the owner may obtain a duplicate tag from the North Branch Police Department upon the payment of \$3.00.

Sec 6 - 35 False Representation

No person shall use for any dog a license for another dog, or counterfeit, or attempt to counterfeit license tags.

Sec 6 - 40 Kennel License

1. *License.* Every person, group of persons, or corporation engaged in commercial business of buying, selling, breeding, and/or boarding dogs, cats and/or rabbits, or who owns, harbors, or keeps four or more dogs, cats and/or rabbits in a kennel shall obtain a kennel license. Kennel licenses are non-transferable.
2. *Kennel license fee.* The city council from time to time will establish the fee for issuance of an annual kennel license. The City of North Branch shall issue a kennel license after all applicable city zoning provisions and the conditions set forth below have been met and approved and the requirements set forth in Minn. Stats. §§ 347.30—347.40 have been complied with. Kennel licenses shall expire annually on December 31.
3. *Kennel license application.* Applications for licenses may be made no later than November 1 for the following calendar year. Late applications shall be subject to a late application penalty to be collected with the regular license fee. If the kennel did not become subject to the licensing requirement until after the start of the licensing term, then no penalty shall be assessed if application for a kennel license is made 30 days after becoming subject to licensing. Complete applications shall be reviewed and approved or denied within 60 days of the date of submittal. Annual licenses are valid from the time they are issued until December 31 each year. The application and Operational Plan must be complete in order for the Planning Agency to accept and review the application. Prior to administrative approval, the North Branch Police Department may conduct a criminal background check of the applicant and property owner. All new and renewal license applications shall be subject to a 30 day notice and public comment period in which all property owners within 350 feet of the facility property lines will receive notice of the application for a new license or a renewal and given 30 days to submit comments for City consideration.
4. *Kennel License Operating Plan.* An Operating Plan shall be submitted the application and it shall include the following:
 - a. Name of Kennel Operator(s), address, phone number, signature, and date of signature.
 - b. Name of property owner(s), address, phone number, signature, and date of signature.
 - c. Address of property to be used for kennel (if different than above).
 - d. Name of business.
 - e. Site Plan, to include:
 - i. Property acreage, location and approximate acreage or dimensions of kennel area and runs.
 - ii. Distance between kennel, exercise area and property line.
 - iii. Customer parking area, if applicable.

- iv. Waste Disposal area (i.e. waste bin, spreading area, etc).
- v. Location of all structures on property and distance to kennel area.
- vi. Location of well and septic system
- f. Total number and breed(s) of dogs, cats and/or rabbits over six months of age to be permanently housed on property.
- g. Number of dogs, cats and/or rabbits over six months of age to be temporarily (boarded) on property.
- h. Number of unsterilized female dogs, cats and/or rabbits to be housed on property for the purposes of breeding.
- i. Number of kennel employees, full and part time (including owner/operator), and the approximate months, days and time periods per week employees will be overseeing kennel operations.
- j. Ratio of dogs, cats and/or rabbits to employees (full-time equivalent).
- k. Waste disposal plan, to include a copy of a contact with the waste hauler who will be "specifically" removing animal waste.
- l. Proposed signage and location (maximum of one (1) non-illuminated sign not to exceed 12 sq ft located on the premises).

5. *General Requirements.*

- a. Commercial Kennels may only operate in the Agricultural, Rural Residential, Commercial, and Industrial zoning districts as provided in the City of North Branch Zoning Code and meeting any other requirements imposed by law.
- b. The licensee shall at all times remain compliant with all applicable local, state and/or federal laws, rules and/or regulations. Any violation of any applicable local, state and/or federal laws, rules and/or regulations, shall result in the immediate revocation of the license.
- c. No more than forty (40) dogs, cats and/or rabbits over six months of age may be kept on the private and/or commercial kennel property, including no more than ten (10) unsterilized female dogs, cats and/or rabbits over six months of age.

6. *Location and Kennel Structure*

- a. Kennels must be located on a minimum of two and one half (2 ½) acres unless located within the Commercial or Industrial Zoning Districts.
- b. Kennels or shelters and dog runs may not be located within 500' of a pre-existing residence except that of the kennel owner.
- c. Kennels may require a building permit if over 120 sq ft in size, and must comply with building setbacks within the applicable zoning, floodplain and shoreland districts.
- d. Dogs, cats and/or rabbits must be confined or under direct control of the kennel

operator or staff at all times. Outdoor commercial kennel areas shall be fenced. Fencing shall consist of durable materials, with a minimum height of six (6) feet, and shall deter dogs, cats and/or rabbits from escaping over, under, or through the fence.

- e. All-weather kennels or shelters and animal runs or enclosed exercise areas shall be provided for all animals and shall be adequately sized for the particular breed.
- f. The owner and/or operator of the Private or Commercial Kennel shall operate the kennel so as to not unreasonably disturb the peace and quiet of any person.

7. *License Inspection and Enforcement.* The City of North Branch Code Enforcement Officer shall inspect Commercial Kennels at least annually, with or without notice.

Sec 6 - 41 Restraint

The owner of any dog with the city shall cause such animal to be restrained by leash, chain, or cord of sufficient strength, or electronic device to effectively restrain and control such animal, and in the custody of a person capable of adequately controlling such animal at all times when such animal is in or upon a public place.

Sec 6 - 42 Nuisances

It shall be unlawful for any person to keep an animal that causes annoyance or disturbance to persons or the neighborhood by yapping, wailing, barking, howling, or crying for a continuous period of 10 minutes or longer. Such yapping, wailing, barking, howling, or crying must also be audible off of the owner's or caretaker's premises.

Sec 6 - 43 Impoundment

Dogs found running at large shall be taken up by the agents of the city council and impounded in the shelter designated as the city animal shelter and confined in a humane manner for a period of not less than five business days, and may thereafter be disposed of in a humane manner subject to Minn Stats. § 35.71, subd. 3, if not claimed by their owners. Dogs not claimed by their owners before the expiration of five business days shall become property of the city and be disposed of at the discretion of the city council subject to state statutes, except as hereinafter provided in the cases of certain dogs. Immediately upon impounding dogs, the agents of the city council shall make every possible effort to notify the owners of such dogs so impounded and inform such owners of the conditions whereby they may regain custody of such dogs.

Sec 6 - 44 Running At Large

When dogs are found running at large, and their ownership is known to the agents of the city council, such dogs need not be impounded, but the agent may, at his discretion, cite the owners of such dogs to appear in court to answer to charges of violation of this division.

Sec 6 - 45 Redemption

Owners shall be entitled to resume possession of any impounded dog, except as hereinafter provided in the cases of certain dogs, upon compliance with the license provision in Sec. 6 - 31 and the payment of impoundment fees set forth herein.

Sec 6 - 46 Impoundment Fees

Dogs impounded hereunder may be reclaimed as herein provided upon the payment by the owner to the city or to the animal control officer of the sums for impoundment and daily care as established from time to time by the city council.

Sec 6 - 47 Adoption

Any dog impounded under the provisions of this division and not reclaimed by its owner within five business days, may be adopted or placed in the custody of some person deemed to be a responsible and suitable owner who will agree to comply with the provisions of this division and such other regulations as shall be fixed by the city council; provided, however, if the animal is one as to which the respective rights of the owner and the person in possession or custody are determined by state law, such law shall be complied with. No unspayed female dog which has been impounded because of its being astray shall be allowed to be adopted from the animal shelter only if the prospective owner shall agree to have such female spayed, or the humane society agrees to do so, and said prospective owner shall present to the animal control officer within ten days after such adoption a certificate from a veterinarian attesting that such dog has been spayed.

Sec 6 - 48 Confinement

Owners shall confine within a building or secure enclosure, every fierce, dangerous, or vicious dog, and not take such dog out of such building or secure enclosure unless such dog is securely muzzled. Every female dog in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that such female dog cannot come in contact with any other dog except for breeding purposes.

Sec 6 - 49 Dogs Not Reclaimed

1. Dogs impounded under the provisions of this division and not reclaimed by its owner within five business days, subject to the provisions of state statutes, shall be humanely destroyed by the animal control officer or placed in the custody of some person deemed to be a responsible and suitable owner who will agree to comply with the provisions of this division and such other regulations as shall be fixed by the city council; provided, however, if the animal is one as to which the respective rights of the owner and the person in possession or custody are determined by state law, such law shall be complied with.

2. The city council may upon request therefor transfer title of all dogs held by it at its animal shelter to the University of Minnesota, or as otherwise provided by state statutes, after the legal detention period has expired and the dog has not been claimed by its owner.

Sec 6 - 50 Dogs Not Redeemable

Any dog, described in Sec. 6 - 48, found at large, shall be impounded by the animal control officer and may not be redeemed by owners, unless such redemption be authorized by any court having jurisdiction. Any dog impounded for being a public nuisance may not be redeemed unless such redemption is authorized by any court having jurisdiction. When in the judgment of the city council, or its agents, a dog should be destroyed for humane reasons, such dog may not be redeemed.

Sec 6 - 51 Litter Cleanup

The owner of any dog, cat and/or rabbit or any person having the custody or control of any dog, cat and/or rabbit shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner. Failure to keep feces in a sanitary manner shall be deemed a nuisance under Sec 6 – 42.

Sec 66 - 60 Vaccination Required

It shall be unlawful for any dog or cat owner to keep or maintain any adult dog or adult cat unless it has been vaccinated with an anti-rabies vaccine by a licensed veterinarian. No license shall be issued except upon compliance with this section.

Sec 6 - 61 Rabies Regulations

The state health laws and regulations pertaining to rabies control shall apply in cases of rabid animals, animals which have bitten any person or animals suspected of being rabid.

1. *Reports of bite cases.* It shall be the duty of every physician or other practitioner to report to the police department the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.
2. It shall be the duty of the owner of any animal to immediately, but in all cases, no later than 24 hours, to report to the police department all bites inflicted by the owner's animal to any person. The owner of any animal shall be required to provide to the police written proof of vaccination and pertinent insurance information when warranted by the police.
3. *Responsibilities of veterinarians.* It shall be the duty of every licensed veterinarian to report to the city his or her diagnosis of any animal observed by him or her as a rabies suspect.
4. *Exemptions:*

- a. Hospitals, clinics, and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this article, except where such duties are expressly stated.
 - b. The licensing and vaccinations requirements of this ordinance shall not apply to any dog belonging to a nonresident of the city and kept within a building, enclosure or vehicle, or under restraint by the owner.
5. *Investigation.* For the purpose of discharging the duties imposed by this article and to enforce its provisions, any agent of the city council or any police officer is empowered to enter upon any premises upon which a dog is kept or harbored and to demand the exhibition by the owner of such a dog or the license for such dog. It is further provided that any agent of the city council may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal when, in his opinion, it requires humane treatment.
6. The police or animal control officer are hereby authorized to take into possession any animal suspected of having rabies following a bite inflicted to any person, and have the animal destroyed in a humane manner for the purpose of determining whether the animal is, in fact, a rabies carrier. The city and/or its agents shall not be held liable for the destruction of the animal when the animal has inflicted injury upon any person and the city and/or its agents act in good faith to protect the public.

Sec 6 - 62 Biting Animals To Be Quarantined

Whenever an animal has bitten a person, or whenever a suspected or known rabid animal is picked up by an animal control officer or police officer, such animal shall be confined for a minimum period of ten (10) days as follows:

1. Upon proof of current rabies vaccination, the animal control officer or police may authorize the confinement of the animal at the owner's place of residence, provided that the animal shall not be permitted to come in contact with the other animals or persons, and providing further that the animal be muzzled and on a leash not exceeding six (6) feet when removed from the place of confinement.
2. If no proof of current vaccination is provided, or if the animal control officer or police do not consent to confinement at the owner's place of residence, the animal shall be confined at the animal control facility for the entire ten-day period at the owner's expense.
3. An animal under confinement may not be removed from such confinement without written permission of the animal control officer or the Chief of Police.
4. The owner of any animal confined at the owner's residence, shall, at all times, permit the inspection of such animal during the confinement period upon oral request of an animal control officer or police officer. The owner shall further be responsible for immediate

reporting any change in the animal's health or behavior to the appropriate animal control officer or to the police department during the confinement period.

5. A quarantined animal shall be confined to an enclosure constructed of materials suitable to prevent the animal from escaping. All openings to the enclosure shall be locked with a secure locking device, and the animal shall not be removed from the enclosure unless muzzled and on a leash not exceeding six (6) feet in length and in the custody of a person of sufficient age, strength, and experience to adequately control the animal.
6. An animal control officer and/or police officer may enter upon private property of another for the purposes of removing such quarantined animal to an animal shelter when it has been determined that such quarantined animal is not being maintained by the owner in a manner consistent with the provisions of this section.

Sec 6 – 80 Keeping Livestock

Except as provided in the zoning regulations in chapter 66, it shall be unlawful for any person to possess or harbor any livestock within the corporate limits of the city. This section shall not apply to traveling zoos, circuses, or other traveling commercial animal exhibitions or small native wildlife species where possession has been specifically permitted by the state.

Sec. 6 – 81 Livestock and Livestock Operations

1. Required Permits.
 - a) In AG and RR districts only, livestock may be raised or bred without a permit provided that the number of animals, density, and other characteristics of the use comply with the Performance Standards in this section.
 - b) Any person owning or seeking to conduct a livestock operation with a higher density (number of animals per grazable acre) than permitted by the Performance Standards in this section or to conduct any livestock operation in any zoning district other than AG or RR shall obtain a Conditional Use Permit. The CUP application shall include a manure management plan.
 - c) Any person owning or seeking to operate a Feedlot in the City shall obtain a Conditional Use Permit. The CUP application shall include a manure management plan.
2. Other Requirements. Livestock and livestock operations must comply with all rules and regulations of Federal, State, County and local agencies.
3. Performance Standards. Livestock and livestock operations must comply with

all of the following standards regardless of the number of animal units on the property or whether a permit is required:

a) Minimum Lot Size. No livestock, with the exception of domestic fowl and honeybees, shall be placed on any site of less than five (5) acres. For purposes of this section, five (5) acres may include the road right-of-way.

b) Required Setbacks for Domestic Farm Animals.

1) Accessory structures used to shelter domestic farm animals on properties 5 (five) acres in size or larger and the boundaries of designated pasture areas shall meet the following setback requirements:

a) Any property line - 100 feet

b) Any existing well or residential structure on the same parcel - 50 feet

c) Any lake, stream or wetland - 200 feet

c) Animal equivalents. The following equivalents shall apply when determining animal units and animal densities per acre:

- 1. one mature dairy cow 1.4
- 2. one slaughter steer or heifer 1.0
- 3. one horse 1.0
- 4. one swine 0.4
- 5. one goose or turkey 0.2
- 6. one goat or sheep 0.1
- 7. one chicken, duck or pigeon 0.01

For animals not listed above, the number of animal units shall be defined as the average weight of the animal divided by one thousand (1,000) pounds.

d) Animal density. A minimum of two (2) grazable acres shall be provided for each animal unit or its equivalent. Grazable acres shall be defined as acreage currently providing enough pasture or other

agricultural crops capable of supporting summer grazing at the density stated above.

The keeping of livestock in greater density than allowed as stated above shall require a conditional use permit. To obtain such permit, the applicant must demonstrate that facilities are present and appropriate practices are being employed to preclude surface or ground water contamination, excessive manure accumulation, odor, noise and other nuisances.

e) Feedlots

1. Required setbacks. The following shall be the minimum setback requirements for feedlots.

- a) County Parks..... 300 feet
- b) DNR protected water course or lakes300 feet
- c) Wetlands 75 feet
- d) Private Well..... 100 feet

2. The construction of an earthen waste storage basin is permitted.

- a) The structure shall not be used for the storage of animal manure for a period in excess of 12 months or the time period for which it was designed.
- b) The design of the structure shall be prepared and designed by a registered Professional Engineer or staff from Chisago County qualified in the design of earthen structures or prepared by other professionals specializing in the design of such structures and with the proper training for such design and signed by a registered Professional Engineer.

3. Earthen waste storage basins, feedlots, and manure storage areas shall not be placed on slopes which exceed 13%.

f) Pastures. Livestock may graze within Shoreland and bluff impact zones provided permanent vegetation is maintained or a conservation plan has been submitted to the City and the County Zoning Administrator which is consistent with the technical guides of Chisago County.

- g) The minimum acreage and animal density requirements in Sec. 6 – 81 are waived for keeping of honeybees and domestic fowl (chickens, turkeys, geese, ducks, turkeys, pheasants, Guinea hens, quail, and chuckers, except as specifically prohibited in Sec. 6 – 82 below) on lots smaller than 5 acres provided that the standards in Sec. 6 - 72 are met.

Sec. 6 – 82 Domestic Fowl and Honeybees on Lots Smaller than Five (5) Acres

1. The keeping of honeybees and/or up to five (5) domestic fowl on a lot that is smaller than five (5) acres does not require a City permit.
2. The total number of domestic fowl may not exceed 5 fowl per acre on a parcel that is less than five (5) acres in size and the coop and other structures must meet applicable setbacks.
3. The principal use of the property shall be single-family residential and contain a single- family residential structure. Honeybees and domestic fowl shall not be permitted on vacant properties or those containing multi-family residential uses. Coop structures used to house domestic fowl that are greater than 120 square feet in size shall comply with the Accessory structure limitations on the number and size of residential accessory structures permitted by Chapter 66.
4. The keeping of honeybees and domestic fowl on lots smaller than five (5) acres shall comply with the following standards:
 - a) Hen chickens are permitted. Roosters are prohibited.
 - b) All chickens shall be of the subspecies *Gallus gallus domesticus*, and shall be tolerant of local climate conditions. All fowl species kept on parcels smaller than five (5) acres shall be domesticated varieties.
 - c) Guinea fowl are prohibited (members of the Family Numididae, genus *Agelastes*, *Numida*, *Guttura*, or *Acryllium*).
 - d) All domestic fowl shall be contained within the owner's parcel at all times.

- e) Domestic fowl shall not be kept inside the principal structure.
- f) Fowl may be slaughtered on the property in locations that are not visible to the public or adjacent properties.
- g) Coops and attached exercise pens shall be provided for all domestic fowl. Coops and pens shall be fully-enclosed including overhead areas, and shall be constructed of durable materials. The coop shall have sufficient windows for natural light. The floor area of the coop must equal at least two (2) square feet per fowl and the combination of the floor area and pen area must equal at least ten (10) square feet of area per domestic fowl.
- h) If the coop is larger than 200 square feet, the owner shall obtain a building permit. If electricity is to be provided for heating or lighting, the owner shall obtain an electrical permit.
- i) Coops, pens and other structures for domestic fowl shall meet the structure setback requirements of the zoning district where the parcel is located, plus all structures shall maintain a minimum setback of twenty (20) feet from dwellings on adjacent properties, and shall be located in rear yards only.
- j) No person may allow domestic fowl to range freely without fencing or without a mobile pen.
- k) All food stored for domestic fowl shall be kept in rodent-proof containers stored inside coops or other buildings.
- l) Structures and areas in which domestic fowl are kept or maintained, including coops and pens, shall be kept reasonable clean from filth, garbage, and any substances which attract rodents. All feces shall be collected regularly and properly disposed of on a regular basis as fertilizer, composted, or transported off the premises.
- m) Honeybees and domestic fowl shall not be kept in such a manner as to constitute a public nuisance as defined by the City.
- n) Honeybee hives shall meet the livestock setback requirements of this ordinance. The colony shall be maintained in good order and shall

not be nuisance to any member of the public.

- o) The City may enter and inspect any property, including the coop and back yard, at any reasonable time for the purpose of investigating a reported violation or to ascertain compliance or noncompliance with the City Code and Certificate of Compliance.

SECTION 2 SPECIFIC SECTIONS REPEALED

The following sections are repealed in their entirety:

Sec. 66-393 Animals in AG-1 Districts

Sec. 66-424 Animals in AG-2 District

Sec. 66-456 Animals in RR District

Sec. 66-947 Horses and Stables

Sec. 66-949 Chickens, Ducks, Turkeys and Chicken, Turkey and Duck Keeping

SECTION 3 AMENDMENTS

1. The following definitions are hereby deleted from Sec. 66 -8

Dog Kennel

Kennel, Commercial

Kennel Residential

2. Sec. 66-387 Conditional Uses (d) is hereby amended by striking dog kennels, to read as follows: Commercial riding stables and similar uses.

3. Sec. 66-418 Conditional Uses (d) is hereby amended by striking dog kennels, to read as follows: Commercial riding stables and similar uses.

4. Sec. 66-450 Conditional Uses (d) is hereby amended by striking dog kennels, to read as follows: Commercial riding stables and similar uses.

5. Sec. 30-120, subpart (c) is hereby repealed.

6. Sec. 6-240, subpart (d) is hereby repealed.

7. Sec. 50-111, subpart (o) is hereby repealed.

SECTION 4 EFFECTIVE DATE

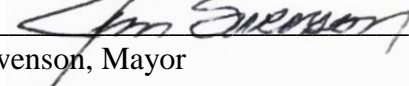
This Ordinance shall take full effect and be in full force after its passage and publication according to law.

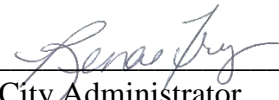
RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Joel McPherson, Councilmember
SECONDER: Kelly Neider, Councilmember / Acting Mayor
AYES: Swenson, Neider, Blomquist, McPherson, Voss

Passed and adopted this 28th day of April 2020

CITY OF NORTH BRANCH



BY: 
Jim Swenson, Mayor

ATTEST: 
Renae Fry, City Administrator