

Part 11. Livestock, Poultry, Fowl, and other Animals

311.01. **Definitions.** As used in this section, the following terms are defined as follows:

Subdivision 1. **"Farm Animals"**. Farm animals shall be intended to include any horse, mule, donkey, pony, cattle, sheep, goat, swine, rabbit, chicken, geese, duck, turkey or any other similar animal or bird.

Subd. 2. **"Non-Domesticated Animals"**. Non-domesticated animals shall mean any animal, reptile or fowl, which is not naturally tame or gentle but normally is wild in nature or disposition and which, because of its size, vicious nature or other characteristics would constitute a danger to human life or property including but not limited to the following:

- a. Any skunk, whether captured in the wild, domestically raised, de-scented or not de-scented, vaccinated against rabies or not vaccinated against rabies;
- b. Any large cat of the family Felidae such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated house cats;
- c. Any member of the family Canidae, such as wolves, foxes, coyotes, dingoes and jackals, except domesticated dogs;
- d. Any poisonous viper; and,
- e. Any other animal which is not listed explicitly above, but which can be reasonably defined by the terms of this section including but not limited to, bears and badgers.

Subd. 3. **"Owner"**. Any person, person, firm or corporation having in their possession an animal as defined in Subd. 1 and 2 or any person, persons, firm or corporation having the possession or control of any land or premises whatsoever within the city.

311.02. **General Prohibition.** No owner shall, except if in transit, have in possession, keep, raise, maintain or otherwise shelter or harbor any animal as defined in Section 311.01 above, with the city except as otherwise allowed in this section.

~~311.03. **Exceptions.** Subdivision 1. **Farm Animals.** Farm animals as defined in Section 311.01 shall not be kept in the city except within an agricultural zone of the city, or on any parcel of land exceeding 25 acres.~~ Revised 12/20/10 to allow farm animals.

311.03. **Ordinance to allow farm animals in city limits.**

1. Nondomestic animals prohibited.

(a) Nondomestic animals are not allowed to be kept within the city.

(b) An IUP is required for the keeping of domestic farm animals as regulated by this article in the city. The procedure for the issuance of an IUP will be in accordance with the City Code.

(c) No animal regulated by this article can be kept on a parcel of land located within a platted subdivision or on any parcel of land of less than three acres. Provided further, that if 80 percent of the lots within a platted subdivision are larger than three acres, an IUP for keeping a regulated animal may be issued for any of those lots larger than three acres.

(d) Upon the transfer of the title of a parcel for which parcel an IUP is in effect on the effective date of this article, the new owner may apply for an IUP for the keeping of such animal if the existing permit is in effect and in good standing at the time the title to the property is transferred.

(e) Meeting the acreage requirements set out in this section does not in and of itself entitle an applicant to an IUP.

(f) IUPs in existence on the effective date of this article for parcels not in compliance with these acreage requirements will be allowed to continue but only as legal, nonconforming uses.

(g) It is a requirement for all IUPs issued under this article that a minimum of one fenced acre of pasture land plus any indicated fraction thereof must be provided for each animal unit described below as the animal equivalent for the animal to be kept pursuant to the IUP.

(h) The following equivalents will apply when determining the animal units defined below:

Animal	Animal Units Per Acre
1 swine	0.4
1 goose or duck	0.2
1 goat or sheep	0.5
1 turkey	0.10
1 bovine	1.4
1 equine	1.0
1 chicken or pheasant/quail	0.01
1 emu or ostrich	1.0
1 alpaca or llama	1.0

(i) Exceptions.

(1) Youth development organizations may apply for an IUP in accordance with this section. The IUP shall cover individual groups and members of the youth development organization; IUP application fees shall be waived. The IUP shall expire five years from the approval date at which time the organization must reapply for the IUP. In conjunction with the organization's approved IUP, individual members shall comply with the following:

- a. Each member of the organization must complete a youth development project permit application prior to farm animals being kept on the property. The permit will be reviewed by city staff within two weeks of submittal of a completed application.
- b. It is a requirement for all permittees to have a minimum of one acre of pasture land to accommodate the farm animals.
- c. Permittee must comply with all other farm animal regulations set forth in the code.
- d. Approved farm animals must be removed from the property within 30 days of the expiration of the permit.
- e. In the event a permittee would like to keep the farm animals after the expiration of the project permit, an individual IUP must be applied for and approved. The permittee must meet requirements of the code.

(2) Domestic farm animals with an animal unit of 0.01 or less per acre are permitted without an IUP with the following conditions:

- a. A maximum of ten animals may be kept on a parcel with a minimum of one acre of pasture land without an IUP so long as all other requirements set forth in the code are met.
- b. The keeping of 20 plus animal requires an IUP and must meet all requirements set forth in the code, including acreage.

2. Domestic farm animal shelter setbacks, paddocks, and pasture land.

(a) Domestic animal shelters are considered an accessory structure and must comply with all other portions of the city code.

(b) Domestic farm animal shelters and pasture land must meet the requirements of this section.

(c) Setbacks. All newly constructed domestic farm animal shelters, pasture land, and manure stockpiles shall be set back as follows:

	<i>Natural/Manmade Features</i>	<i>Horizontal Setbacks</i>
(1)	Property line	• Fenced pasture land: 5 feet

		• Shelters: 50 feet
		• Manure stockpiles: 50 feet
		• Fenced pasture land: 50 feet
(2)	Existing wells	• Shelters: 50 feet
		• Manure stockpiles: 100 feet
(3)	Ordinary high water level of a stream, river, pond, storm water retention pond, lake	70 feet
(4)	Residential structure	75 feet

3. Manure, rodent, and insect management.

(a) Manure must be handled or treated in such a manner as to not create a public and/or private nuisance.

(b) Paddocks or similar enclosures must be maintained in a manner that minimizes concentrations of breeding insects and rodents.

(c) Manure must not be left on any public way.

(d) Stockpiling of manure requires a manure management plan that meets requirements set by the Minnesota Pollution Control Agency.

(e) The room or area of an animal shelter where feed is stored must be reasonably secure from rodents, pests, and the animals kept in the shelter, to the extent practicable.

4. Care and maintenance of animals.

No animal regulated under this article shall be treated cruelly or inhumanely by any person or in violation of any provision of Minn. Stats. ch. 343, as amended and/or renumbered from time to time.

5. Animal health and animal shelter regulations.

It is the purpose of this section to insure the health and safety of domestic farm animals in the city by establishing regulations governing animal shelters, corrals, paddocks, and the keeping of such animals in the city.

(1) All newly constructed animal shelters must meet or exceed all requirements of municipal, county, and state building and fire codes.

(2) The following apply to all regulated domestic farm animals:

a. All animal must be maintained to standards of health specific to the breed.

b. All animals must have access to potable water.

c. Veterinary records for each animal must be disclosed upon request of the city's designated inspector.

d. Animal shelters must be kept in a sanitary manner, free of the odor of ammonia, to the extent practicable.

e. A consistent and adequate food and water supply must be available to all animals.

f. Fencing must be kept in a manner consistent with Minn. Stats. §§ 344.01—344.20, as amended and renumbered from time to time.

g. All domestic farm animals must have access to a shelter.

(3) Horse operations in the city must also comply with the following additional requirements:

a. Horse operations in the city will be inspected and evaluated annually as a requirement of the IUP for conformance with all applicable regulations. The costs of such inspection and evaluation must be paid by the holder of the permit as part of the annual permit fee. Nonpayment of such costs will be grounds for termination of the permit. In addition to a class III horse operation, an inspection by a doctor of veterinary medicine licensed to practice in Minnesota must accompany the city's inspector on all inspections. Failure to provide access for inspection will be grounds for termination of the IUP.

b. Stall doors must be in good repair and easily opened and closed.

c. An evacuation plan for humans and animals must be displayed in all animal shelters.

d. Grain and hay dust must be minimized to the extent practicable.

e. Aisles must be kept free of debris and impediments to movement by humans and animals.

f. There must not be any protruding objects in any animal shelter which could cause injury to humans or animals.

g. Drainage must be adequate to prevent accumulations of water to facilitate cleaning of animal shelters and paddock areas.

h. Animal bedding must be clean and of a material customarily used for animal bedding purposes.

i. Lights and windows must be animal proofed to prevent breakage, to the extent practicable.

j. Grain and forage must be free from mold and miscellaneous debris, to the extent practicable.

(4) The city's designated inspector and any peace officers of the state and all other personnel under the direction and control of the city whom the inspector believes necessary must be allowed access for inspection purposes on any parcel with an approved IUP upon 12-hours' notice. An application for an IUP under this article will be deemed the consent of the owner of the property to such inspections.

(5) IUPs not in compliance with this article will be cited accordingly but may be granted time, at the city inspector's discretion, to come into compliance with the requirements of this section. In the event an extension of time is granted, a plan to implement the noncompliant requirements by an agreed upon date must be signed by the parties and filed at city hall. The plan must include clearly defined steps for coming into compliance, each of which must be completed by a specific date. Failure to complete the agreed upon steps by the specified dates will be grounds for termination of the IUP. In no case, however, may an extension exceed 75 days from the date of inspection, and only one extension can be granted.

6. Running at large.

(a) No person, firm, or corporation will permit any animal regulated under this article to run at large within the city. Any such animal will be deemed to be "at large" when it is off the premises owned or rented by its owner and unattended by the owner or any agent or employee of the owner.

(b) The animal control authority, any peace officer of the state, and any other personnel under the direction and control of the city, or any agent of the city, may impound any such animal found at large as regulated by Minn. Stats. § 374.14.

7. Riding.

(a) No person may ride or drive an animal regulated under this article after sunset and before sunrise along or crossing a public way without appropriate lighting or reflectorized clothing.

(b) No person may ride an animal regulated under this article in any public park or on any public beach, except in areas duly designated by the city park committee as a trail way or hitching area.

(c) Every person riding an animal regulated under this article, or driving a vehicle powered by an animal regulated under this article, upon a public way, will be subject to those provisions of city articles and Minnesota Statutes applicable to the driver of a motor vehicle.

(d) No animal regulated under this article may be ridden or driven in any manner which would cause damage to any hard-surfaced road.

(e) No person may ride any animal regulated under this article upon private property without the permission of the owner or occupant thereof.

(f) No person may interfere with any animal regulated under this article that is being ridden or kept in a lawful manner.

8. Interim use permit required.

The keeping of animals regulated under this article will be allowed only after issuance by the city of an IUP for such keeping. The procedure for an IUP will be in accordance with the city's zoning ordinance. The final decision on the IUP will be made by the city council not earlier than seven days after the public hearing.

9. Severability and conflict.

(a) **Severability.** If any section, subsection, sentence, clause, or phrase of this article, or its application to any person or circumstance is held invalid by the decision of any court of competent jurisdiction, the remainder of this article, or the application of the particular provision to other persons or circumstances is in effect and shall remain in full force and effect.

(b) **Conflict.** If any portion of this article is found to be in conflict with any other provision of any zoning, building, fire, safety, or health ordinance of the City Code, the provision which establishes the higher standard shall prevail.

10. Penalty.

Any person, firm or corporation violating the provisions of this article will be guilty of a misdemeanor and may be punished with a maximum fine of \$1,000.00 or 90 days in jail or both.

Subd. 2. Temporary Permits. The council may grant temporary permits for a period not to exceed 6 months for the keeping of animals within the city for use in connection with an exhibition or seasonal display defined in this section provided that the council finds that such animals are not likely to be dangerous, that they will be kept in safe and sanitary surroundings, that they will not be maintained in an inhumane manner or be subject to any inhumane treatment and that their presence on the premises will not be a source of nuisance or annoyance to the occupants of adjacent property. In granting such permit, the council may impose limitations on the permit to insure that such animals will be kept under such conditions, Any such permit shall be subject to immediate suspension by the city's building inspector if he/she determines that such animals constitute a safety or sanitary hazard, are being subjected to inhumane treatment or conditions or are a source of nuisance, or are being kept in violation of any other limitations imposed by the council; which such suspension shall remain in effect until the next subsequent meeting of the council. At such meeting the council may revoke such permit or may reinstate the same subject to such limitations as the council shall deem necessary. The fee for such a permit shall be \$45.00 .

Subd. 3. Cages. Non-poisonous snakes, birds kept indoors, hamsters, mice, rabbits, gerbils, white rats, guinea pigs, chinchillas, or lizards, and similar small animals capable of being maintained continuously in cages are also exempt and do not require a permit.

Subd. 4. Zoos. Persons keeping animals for a public zoo as volunteers, docents or otherwise, any bona fide research institution or veterinary hospital are exempt from the permit requirement; provided protective devices adequate to prevent such animals from escaping or injuring the public are provided.

Subd. 5. Household Helpers. Handicapped persons keeping monkeys trained as household

helpers are exempt from the permit requirement.

311.04. Selling Prohibited. No person shall offer for sale, within the city limits, any animal prohibited in Section 311.01.

311.05. Impounding of Non-Domesticated Animals. Any animal as defined in Section 311.01 kept in violation of this section may be impounded by the city, and, after being so impounded for ten (10) days or more without being reclaimed by the owner, may be destroyed, sold, or otherwise disposed of. Any person reclaiming any such impounded animal shall pay the costs of impounding and keeping the same.

311.06. Existing Non-Domesticated Animals. Any non-domesticated animal which is being kept or maintained at the time this code is enacted may be impounded if the keeping or maintaining of said non-domesticated animal is determined by the council to be a threat to the public health, safety and general welfare. The person or persons keeping or maintaining any non-domesticated animal that has been determined by the council to be a threat to health, safety and general welfare shall have ten (10) days in which to comply with the provisions of this section. Extensions beyond ten (10) days may be granted for just cause by the council.

311.07. Shod Animals Prohibited on City Streets. It shall be unlawful for any person to permit or allow an animal with shod hoofs on any city street.

311.08. Chickens Limited. Subdivision 1. Any Residence is allowed to keep or harbor up to five (5) hen chickens on any premises. Rooster chickens will not be allowed on any premises.

311.08a. Definitions. The term "Chicken Coop" means a structure for housing chickens made of wood or other similar materials that provides shelter from the elements. The term "Chicken Run" means an enclosed outside yard for keeping chickens. The term "Premises" means any platted lot or group of contiguous lots, parcels or tracts of land

311.08b. Confinement. Every person who owns, controls, keeps maintains or harbors hen chickens must keep them confined at all times while in the city in a chicken coop and chicken run. Any coop and run shall be screened with a solid fence or landscaped buffer with a minimum height of four feet. Any coop and run shall be at least 25 feet from any residential structure on any other premises

311.08c. Chicken Coops. Subdivision 1. All chicken coops and runs must be located at least 25 feet from any dwelling on any other premises. All chicken coops must meet the requirements of the building and zoning codes, must not exceed ten square feet per chicken and must not exceed six feet in total height. Attached fenced-in chicken runs must not exceed 20 square feet per chicken and must not exceed six feet in total height. Chicken runs may be enclosed with wood and/or woven wire materials, and allow chickens to contact the ground. Chicken feed and manure must be kept in rodent and raccoon proof containers and must not be placed in yard compost piles.

Subd. 2. Chicken coops must either be:

- (A). Elevated with a clear open space of at least 24 inches between the ground surface and framing/floor of the coop; or
- (B) The coop floor, foundation and footings must be constructed using rodent resistant concrete construction.

311.08d. **Conditions.** No person who owns, keeps or harbors hen chickens to permit the premises where the hen chickens are kept to be or remain in an unhealthy, unsanitary or noxious condition or to permit the premises to be in such condition that noxious odors are carried to adjacent public or private property. All chicken coops and runs are subject to inspection at any reasonable time by a city officer or other agent of the city.

311.09e. **Violations.** Any person who keeps or harbors chickens in the city limits of Hayfield in violation of this ordinance shall be guilty of a petty misdemeanor and may be fined up to \$500 along with court costs and the cost of removal of the violation. (Ordinance to allow chickens in city limits was passed on 5/20/13...published 5/29/13)